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# FEDERAL REGISTER

VOLUME 2      1934      NUMBER 12

*Washington, Tuesday, January 19, 1937*

**PRESIDENT OF THE UNITED STATES.**

**EXECUTIVE ORDER**

**AUTHORIZING THE LEASE OF CERTAIN RESERVED LANDS**

*Alaska*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and as President of the United States, it is hereby ordered that any and all public lands in Alaska which have been heretofore or may be hereafter reserved for lighthouse purposes and which are not located within the boundaries of national forests, may be leased by the Secretary of the Interior for farming purposes under and pursuant to the act of July 3, 1926, ch. 745, 44 Stat. 821: *Provided*, That any such lease shall be subject to the approval of the Secretary of Commerce and shall not interfere with the use of the lands for lighthouse purposes.

This order supersedes Executive Order No. 5097 of April 20, 1929.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
*January 14, 1937.*

[No. 7537]

[F. R. Doc. 37-158; Filed, January 15, 1937; 3:27 p. m.]

**DEPARTMENT OF AGRICULTURE.**

**Agricultural Adjustment Administration.**

SR—B-5

Supplement (b), Revised

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 5

*Supplement (b), Revised*

Supplement (b) to Southern Region Bulletin No. 5 is hereby amended to read as follows:

Part II of Southern Region Bulletin No. 5 is hereby amended by adding, after Supplement (a) thereto, the following:

In the counties designated in Supplement (i), Second Revision to Southern Region Bulletin No. 1, Revised,<sup>1</sup> the following instructions are substituted for those instruction outlined elsewhere in SR—B-5 which otherwise would apply:

Where only one person furnished the workstock and equipment used on the land covered by Form 9, the word "all" shall be entered in the left-hand side of column (F) opposite the name of the person furnishing the workstock and equipment.

<sup>1</sup> 1 F. R. 1552.

Where two or more persons furnished the workstock and equipment (with respect to cotton or peanuts or both) on land covered by Form 9, the entries to be made in the left-hand side of column (F) opposite the name of such persons furnishing workstock and equipment are as follows:

A. If the entries in columns (B) and (D), line 5 and subsequent lines, are made pursuant to paragraph A, page 7, SR—B-5, enter that acreage which represents the sum of the 1936 planted acreages of crops in those soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made and for which each such person furnished workstock and equipment. In such cases the sum of the acreages entered in the left-hand side of column (F) should equal the sum of the amounts in line 2, columns (B) and (D), for soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made.

B. If the entries in columns (B) and (D), line 5 and subsequent lines, are made pursuant to paragraph B, page 7, SR—B-5, enter that acreage which represents the sum of the contributions to the difference between the soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made and the 1936 acreages of the crops in such bases for which such person furnished workstock and equipment. In such cases the total of the acreages entered in the left-hand side of column (F) should equal the sum of the differences between lines 1 and 2, columns (B) and (D), for soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made.

C. If the entries in columns (B) and (D), line 5 and subsequent lines, are made pursuant to paragraph C, page 8, SR—B-5, enter that acreage which represents the sum of the row crops on all producer units for which such person furnished workstock and equipment. In such cases the total of the acreages entered in the left-hand side of column (F) should equal the total acreage of row crops on the farm.

D. If the entries in columns (B) and (D), line 5 and subsequent lines, are made pursuant to paragraph D, page 8, SR—B-5, enter that acreage which represents the sum of the soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made and for which such person furnished workstock and equipment. In such cases the total of the acreages entered in the left-hand side of column (F) should equal the sum of the amounts in line 1, columns (B) and (D), for the soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made.

Where only one person furnished the land covered by Form 9, the word "all" should be written in the space provided in the right-hand side of column (F) opposite the name of the person furnishing such land.

Where two or more persons furnished the land covered by Form 9, the same method which is (or would be) used





Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 5 cents; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

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on that farm for dividing workstock and equipment payment must be used as the basis for dividing the land payment. For example, if the workstock and equipment payment is (or would be) divided on the basis of the planted acres, the sum of the entries to be made in the right-hand side of column (F) opposite the name of persons furnishing land should equal the sum of the 1936 planted acreages of crops in those soil-depleting bases (cotton and peanuts) with respect to which a class I payment is made.

In counties designated in Supplement (i), Second Revision, to Southern Region Bulletin No. 1, Revised, no part of the acreage of the crops in the general soil-depleting base should be entered in either side of column (F), Form 9.

Except as otherwise provided herein, Forms 9 covering farms in counties designated in said Supplement (i), Second Revision, should be executed in accordance with the proce-

dures outlined elsewhere in part II of Southern Region Bulletin No. 5.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 15th day of January, 1937.

[SEAL]

H. A. WALLACE, *Secretary*.

[F. R. Doc. 37-164; Filed, January 16, 1937; 12:17 p. m.]

### Food and Drug Administration.

#### AMENDMENT TO REVISED REGULATIONS FOR INSPECTION OF CANNED SHRIMP EFFECTIVE JULY 1, 1936.

##### Secretary of Agriculture:

Under authority conferred by the amendment of August 27, 1935, to the Federal Food and Drugs Act, Section 10A, I recommend the adoption and promulgation, to become effective January 18, 1937, of the following amendment to the revised regulations<sup>1</sup> for inspection of canned shrimp, effective July 1, 1936:

At the end of Paragraph (c), Regulation 13, insert:

"Provided, That any excess fees paid under Paragraph (d) remaining to the credit of the packer at the time an extension to the inspection period is approved may be applied, upon a written request by the packer, to the payments required for extension."

W. G. CAMPBELL,

*Chief, Food and Drug Administration.*

Approved:

HARRY L. BROWN,

*Acting Secretary.*

January 18, 1937.

[F. R. Doc. 37-169; Filed, January 18, 1937; 12:39 p. m.]

### DEPARTMENT OF LABOR.

#### Immigration and Naturalization Service.

[General Order No. 240]

#### CHANGES IN IMMIGRATION RULES OF JANUARY 1, 1930, AS AMENDED

JANUARY 15, 1937.

By virtue of and pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; U. S. C., Ti. 8, Sec. 102), Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; U. S. C., Ti. 8, Sec. 222), and Executive Order No. 6166, dated June 10, 1933, the following changes are hereby made in the Immigration Rules of January 1, 1930, as amended:

Paragraph 2, Subdivision J, Rule 1 is amended to read as follows:

PAR. 2. Head tax collected on account of aliens admitted in transit through the United States will be refunded to the person or transportation company so entitled upon the submission of satisfactory proof within 120 days after the date of alien's entry that he departed from the United States within 60 days after such date of entry. If an alien is permitted to remain in the United States as a transit for a period in excess of 60 days, satisfactory proof of departure from the United States within the time granted may be submitted within 60 days of the expiration of transit admission as extended. The submission of Form 514 properly executed and showing the alien departed from the United States within the time prescribed, shall be deemed satisfactory proof. The transit alien to whom Form 514 has been issued can obtain in many instances, upon completion of the form, a refund in cash from the purser of the trans-Atlantic or trans-Pacific steamship on which he departs from the United States; or if the alien is in transit from and to Canada, refund can be obtained from any of the railway ticket agents at stations in Canada enumerated on the Form 514, upon departure from the United States being properly certified as provided on said form.

Clause (i), Paragraph 1, Subdivision K, Rule 1 is amended to read as follows:

(i) Aliens in transit through the United States under the arrangement specified in Rule 6.

<sup>1</sup> 1 F. R. 704.



Paragraph 1, Subdivision K, Rule 1 is amended by adding the following clause:

(n) Aliens admitted to the United States as bona fide students under Subdivision (e) of Section 4, of the Act of 1924, who, without relinquishing such status, visit Canada, Newfoundland, Cuba, or Mexico for a temporary period in no instance exceeding six months.

Subdivision A, Rule 6 is amended by renumbering existing Paragraphs 5 and 6, Paragraphs 6 and 7, respectively, and by inserting a new Paragraph 5, to read as follows:

PAR. 5. Where an alien admitted as a transit finds that he will be unable to depart from the United States within the time prescribed because of changes of scheduled departures by the transportation agency, an application for extension of transit admission may be made by the alien under oath on Form 639, and presented to the officer in charge at the port of arrival. The officer in charge of the port of arrival may grant extensions of transit admissions if satisfied that inability to depart within the time of admission is due to changes of scheduled departures of the transportation agency and that the application is made in good faith. In no instance shall the stay of a transit be extended for a period in excess of 180 days from the date of original entry. Extensions granted under this subdivision shall be noted on Form 514, Head Tax Refund Certificate, where such certificate has been issued.

Paragraph 1, Subdivision C, Rule 25 is amended to read as follows:

PARAGRAPH 1. Applications to extend the time of temporary admission granted pursuant to the provisions of Subdivision (2) of Section 3 of the Immigration Act of 1924, shall be made by the nonimmigrant alien under oath on Form 639, and shall state the name, age, and occupation of the alien, whether married or single; and, if married, the name and present address of the husband or wife and children, if any; country of alien's birth; country of aliens present allegiance; place of residence abroad; number, date, and place of issue of passport visa, date passport expires; time, place and manner of arrival in the United States; nonimmigrant class to which alien belongs as shown by passport visa; whether in possession of return passage or ticket; time originally fixed for departure from the United States; date and length of extensions previously granted, if any; residence in the United States; if visiting relatives or friends, names and addresses of such relatives or friends; if admitted for the transaction of business, the nature and character of such business; if employed, or engaged in business in the United States, when, where and by whom employed, or the nature and character of the business engaged in and the monthly salary or income derived from such employment or business; and reasons in detail why the time fixed for aliens departure shall be extended: *Provided* that a separate Form 639 (Application to extend time of temporary stay), shall be filed by each member of the family, with the exception that the father or mother may apply on the same form for children under sixteen years of age, if such children were accompanied by the father or mother at time of entry.

[SEAL]

EDW. J. SHAUGHNESSY,  
*Acting Commissioner of  
Immigration and Naturalization.*

Approved:

FRANCES PERKINS, *Secretary.*

[F. R. Doc. 37-159; Filed, January 16, 1937; 9:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

### AMENDMENT RULE 262A, B, B

The Telegraph Division at its regular meeting on January 5, 1937, amended Rule 262a, B, b to read in part, as follows:

"RULE 262a, B, b.

*Northwestern Continental Chain and Feeders (Purple)* \*

Available for aeronautical point-to-point stations—

2,644    2,994 <sup>12</sup>    6,490 <sup>2</sup>    8,130:    Day only <sup>8</sup>

<sup>2</sup> This frequency assigned for unlimited hours upon the express condition that no interference is caused to the international mobile service.

<sup>8</sup> Subject to the condition that no interference is caused to Government Stations.

<sup>12</sup> Subject to the condition that no interference is caused to aeronautical and aircraft stations.

[SEAL]

JOHN B. REYNOLDS, *Acting Secretary.*

[F. R. Doc. 37-167; Filed, January 18, 1937; 10:37 a. m.]

### ORDER No. 7-D

The Telephone Division at its regular meeting on January 6, 1937, adopted Order No. 7-D as follows:

The Telephone Division having under consideration its Order No. 7-C promulgating the "Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935, Effective January 1, 1936", and the Decree of the United States District Court for the Southern District of New York in the case of American Telephone and Telegraph Company, et al., v. the United States, as affirmed by the Supreme Court of the United States, December 7, 1936;

*It is ordered*, That Order No. 7-C entered by the Telephone Division on the 19th day of June 1935, together with the draft of Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935, be, and the same are hereby amended by this Order No. 7-D, and by the draft of amendments known as "Amendments of 'Uniform System of Accounts for Telephone Companies, Issue of June 19, 1935, Effective January 1, 1936', ordered by the Federal Communications Commission, Telephone Division, Order No. 7-D", a copy of which is attached hereto and made a part hereof as if copied at length herein.

*It is further ordered*, That a copy of said Order No. 7-D, together with the draft of the amendments attached thereto shall be embodied in printed form; that a copy thereof duly authenticated by the Secretary of the Commission, be filed in its archives, and a second copy thereof, authenticated in like manner, in the office of the Accounting, Statistical, and Tariff Department; and that each of said copies so authenticated and filed shall be deemed an original record thereof.

*It is further ordered*, That Order No. 7-D, together with the draft of the amendments attached thereto shall become effective on the first day of January 1937.

By the Commission, Telephone Division.

[SEAL]

JOHN B. REYNOLDS, *Acting Secretary.*

### AMENDMENTS OF "UNIFORM SYSTEM OF ACCOUNTS FOR TELEPHONE COMPANIES, ISSUE OF JUNE 19, 1935, EFFECTIVE JANUARY 1, 1936"

#### TELEPHONE DIVISION, ORDER NO. 7-D

(1) *Page 2.*—The first full paragraph on this page is eliminated and in lieu thereof there is inserted the following paragraph:

The Interstate Commerce Commission's order specifying records which may be destroyed is contained in its "Regulations to Govern the Destruction of Records of Telephone, Telegraph, and Cable Companies, Issue of 1920", which order, as amended, remains in effect.

(2) *Page 5.*—The word "and" is eliminated from the last line of instruction 3 (O); the period at the end of that line is changed to a comma and the following words are added: and 100.4, "Telephone plant acquisition adjustment."

(See also correlated change in account 103 on page 29.)

(3) *Page 5.*—Instruction 3 (S. 1) is eliminated and in lieu thereof there is inserted the following instruction:

(S. 1) "Original cost" or "Cost", as applied to telephone plant, franchises, patent rights, and right-of-way, means the actual money cost of (or the current money value of any consideration other than money exchanged for) property at the time when it was first dedicated to the public use, whether by the accounting company or by predecessors.

NOTE.—For the application of this definition to property acquired from predecessors see instruction 21. (Note also instruction 3-G. 1.)

(See also correlated changes in instruction 21 on page 12 and in account 100.4 on page 27.)

(4) *Page 6.*—Instruction 3 (CC) is eliminated and in lieu thereof there is inserted the following instruction:

(CC) "Time of installation" means the date at which telephone plant is placed in telephone service.

(5) *Pages 12 and 13.*—Instruction 21 is eliminated and in lieu thereof there is inserted the following instruction:

21. *Telephone plant acquired.*—(A) When property comprising a substantially complete telephone system, exchange, or toll line



is acquired from predecessors, the amount of money actually paid (or the current money value of any consideration other than money exchanged) for the property (together with preliminary expenses incurred in connection with the acquisition) shall be charged to account 276, "Telephone plant acquired." (Note also account 139.)

(B) The accounting for the acquisition of the plant shall then be completed as follows:

(1) The original cost, estimated if not known, (note instruction 3-S.1) of telephone plant, governmental franchises and other similar rights acquired shall be charged to the telephone plant accounts, account 100.2, "Telephone plant under construction", and account 100.3, "Property held for future telephone use", as appropriate, and credited to account 276. When the actual original cost cannot be determined and estimates are used, the company shall be prepared to furnish this Commission with the particulars of such estimates.

(2) The amounts of the reserve requirements for depreciation and amortization of the plant acquired shall be credited to account 171, "Depreciation reserve", and account 172, "Amortization reserve", and debited to account 276.

(3) The amount remaining in account 276, "Telephone plant acquired", applicable to the plant acquired, shall upon completion of the entries provided in the foregoing paragraphs (1) and (2), be debited or credited, as appropriate, to account 100.4, "Telephone plant acquisition adjustment", except that when any amount thus chargeable to account 100.4 applies to duplicate or other telephone plant which will be retired by the vendee in the reconstruction of the acquired property and its consolidation with previously owned property, the accounting for the amount applicable to such plant shall be submitted to this Commission for consideration and approval.

(C) The accounting for property acquired from predecessors, not provided for in paragraphs (A) and (B) hereof, shall be on basis of the amount of money actually paid (or the current money value of any consideration other than money exchanged) for such property.

(D) A memorandum record shall be kept of the amount of contributions in aid of construction applicable to the property acquired as shown by the accounts of the previous owner.

(E) Journal entries recording the acquisition of a substantially complete telephone system, exchange, or toll line, or other telephone plant where the consideration paid is \$25,000 or more, shall be submitted to this Commission for consideration and approval. The text of such entries shall give a complete description of the property acquired and the bases upon which the amounts of the entries have been determined.

(See also correlated changes in instruction 3-S. 1 on page 5 and in account 100.4 on page 27.)

(6) Page 14.—The note following subparagraph (8) of paragraph (B) of instruction 22 is eliminated.

(See also correlated changes in notes (A) and (E) following account 305 on page 64.)

(7) Page 19.—"1936" is eliminated from the first and last lines of paragraph (A) of instruction 26 and in lieu thereof "1937" is substituted.

(8) Pages 27 and 28.—Account 100.4 is eliminated and in lieu thereof there is inserted the following account.

100.4. *Telephone plant acquisition adjustment.*—(A) This account shall include amounts determined in accordance with instruction 21 representing the difference between (a) the amount of money actually paid (or the current money value of any consideration other than money exchanged) for telephone plant acquired, plus preliminary expenses incurred in connection with the acquisition; and (b) the original cost (note instruction 3-S. 1) of such plant, governmental franchises and similar rights acquired, less the amounts of reserve requirements for depreciation and amortization of the property acquired. If the actual original cost is not known, the entries in this account shall be based upon an estimate of such cost.

(B) This account shall be subdivided according to the character of the amounts contained therein. In addition to a copy of the journal entry recorded to open the account, the company shall file with this "Commission statements showing the basis of the computation of amounts included therein. The detailed records supporting these statements shall be retained permanently by the company.

(C) The amounts recorded in this account with respect to each property acquisition shall be disposed of, written off, or provision shall be made for the amortization thereof in such manner as this Commission may direct."

(See also correlated changes in instructions 3-S. 1 on page 5 and 21 on pages 12 and 13.)

(9) Page 29.—The word "and" is eliminated from the fifth line of the text of account 103; the period at the end of that line is changed to a comma and the following words are added:

and 100.4. "Telephone plant acquisition adjustment."

(See also correlated change in instruction 3 (O) on page 5.)

(10) Pages 38 and 40.—The words, "discount, or premium" are eliminated from paragraph (C) of the text of account 153.1 on page 38 and from paragraph (C) of the text of account 154.2 on page 40.

(11) Pages 57 and 58.—"602.3" is eliminated and "602.7" is added to the last line of notes A following accounts 242.2 on page 57 and 242.3 on page 58, so that these notes will read:

NOTE A.—The cost of pumping water out of manholes and of cleaning manholes and ducts in connection with the maintenance or operation of telephone plant shall be charged to accounts 602.4 or 602.7, as appropriate.

(12) Page 64.—Notes A and E following the text of account 305 are eliminated and the following notes A and E are inserted:

NOTE A.—Taxes other than those on telephone plant, operations, and privileges shall be charged to account 322.

NOTE E.—The accounting for taxes on physical property during construction and before the facilities are completed ready for service shall be in accordance with instruction 22-B-8.

(See also correlated change under instruction 22 (B) (8) on page 14.)

(13) Page 77.—The following title of an additional account is inserted after account 613 under the heading "II. Depreciation and Amortization Expenses" for both Class A and Class B companies:

614. Amortization of telephone plant acquisition adjustment.

(See correlated change on page 90.)

(14) Pages 80 and 83.—The item "Trimming trees, cutting underbrush, and other work to maintain previous clearances" is eliminated from the item lists under account 602.2 on page 80 and account 602.6 on page 83.

(15) Pages 80 and 83.—The item "Opening pavement and repaving in connection with repairs of underground cable" is eliminated from the item list under account 602.3 on page 80; the third item in the item list under account 602.7 on page 83 is eliminated and in lieu thereof the following item is inserted:

Opening pavement and repaving in connection with repairs of underground cable and conduit.

(16) Pages 84, 85 and 86.—The words, "in connection with maintenance of outside plant," are eliminated from the second line of the text of account 603 on page 84; the items "Regulating power for repeaters", "Testing for, locating and clearing trouble. (See also note B to this account.)", and "Watching and regulating the operation of repeaters, duplex and multiplex apparatus on telephone and telegraph lines" are eliminated from the item list under account 604 on page 85; and the words "outside of central offices" are eliminated from the third line of note B following account 604 on page 86.

(17) Page 90.—The following new operating expense account is added after account 613 to the group of accounts designated "II. Depreciation and Amortization Expenses."

614. *Amortization of telephone plant acquisition adjustment.*—This account shall be charged or credited each month with such amounts as may be authorized by the Commission to be included in operating expenses under a plan to amortize amounts in account 100.4, "Telephone plant acquisition adjustment." Amounts so entered shall be charged or credited, as appropriate, to account 172, "Amortization reserve."

(See correlated change on page 77.)

(18) Page 107.—The words, "plant removal", are eliminated from the second line of paragraph (G) of account 672.

[SEAL]

JOHN B. REYNOLDS,  
Acting Secretary.

[F. R. Doc. 37-166; Filed, January 18, 1937 10:37 a. m.]

## FEDERAL POWER COMMISSION.

[Order No. 44]

PREScribing RULES OF PRACTICE AND REGULATIONS, WITH APPROVED FORMS, REVISED TO JANUARY 1, 1937

The Commission, pursuant to authority vested in it by the Federal Power Act, particularly Section 309 thereof,



finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates, and prescribes the accompanying "Rules of Practice and Regulations, with Approved Forms, Revised to January 1, 1937";

**And orders:**

(1) That the Secretary be and he is hereby directed to transmit to interested parties, copies of said Rules of Practice and Regulations, with Approved Forms;

(2) That Orders Nos. 6, 9, 11, 15, 18, 19, 25, 26, 29, 30, 34, 36, 37, 38, 39, 40 and 41,<sup>1</sup> heretofore adopted by the Commission, prescribing rules of practice and rules and regulations, be and the same are hereby rescinded, effective January 1, 1937;

(3) That no power, right, obligation, or duty arising or existing prior to January 1, 1937, under or by virtue of any order hereby rescinded shall be affected by the rescission of said order.

Adopted by the Federal Power Commission, December 31, 1936.

[SEAL]

RUTH D. HOOK,  
Acting Secretary.

**FOREWORD**

Since the enactment of the Federal Water Power Act in 1920, it has been the practice of the Commission to promulgate rules and regulations through the medium of orders, numbered consecutively and adopted from time to time. Some of the orders amended or rescinded previous orders while others promulgated new rules and regulations.

In 1929 there was published a compilation of rules and regulations so promulgated, entitled: "Rules of Practice in Formal Proceedings under the Federal Water Power Act and Procedure in Formal and Informal Proceedings, First Issue, Effective May 1, 1929."

From time to time a compilation of other rules and regulations so promulgated has been published, entitled: "Rules and Regulations Governing the Administration of the Federal Water Power Act", the last publication in 1931 being the "Fourth Revised Issue (Contains all amendments to and including June 23, 1930)."

The following "Rules of Practice and Regulations, With Approved Forms, Revised to January 1, 1937", promulgated by Order No. 44, adopted December 31, 1936, supersedes all rules and regulations previously so promulgated by numbered orders, except those accounting and other regulations promulgated by the following orders, which, as of January 1, 1937, remain in effect according to their terms:

Order No. 14, adopted June 15, 1923 (Third Annual Report, page 209) prescribing "Condensed classification of accounts for use of licensees under the Federal Water Power Act who do not furnish a public service (Class D licensees)."

Order No. 23, adopted January 18, 1928 (Eighth Annual Report, page 107) prescribing "Special condensed accounting rules for use of licensees in accounting for investments in and results of operations of small projects."

Order No. 31, adopted November 7, 1932 (Thirteenth Annual Report, page 78) requiring licensees to file with the Commission on or before January 1, 1933, a copy of all rate schedules or tariffs, contracts, agreements, or other instruments showing the terms and conditions of sale or disposition of electricity from their respective licensed plants, and to file with the Commission all supplements, amendments, or changes therein subsequently issued or entered into.

Order No. 35, adopted December 6, 1935, requiring the filing of financial and statistical reports by each private, municipal, and public corporation engaged in generating, transmitting, or distributing electricity.

Order No. 42, adopted June 16, 1936, prescribing a system of accounts for public utilities and licensees under the Federal Power Act.<sup>2</sup>

<sup>1</sup> Orders Nos. 39, 40, and 41 appear at 1 F. R. 453, 454, and 477, respectively.

<sup>2</sup> Orders Nos. 42 and 43 appear at 1 F. R. 811 and 2 F. R. 103, respectively.

Order No. 43, adopted December 31, 1936, amending the Uniform System of Accounts prescribed for public utilities and licensees by Order No. 42, and adopting and adding thereto Appendix III applicable to class C and class D public utilities and licensees.<sup>2</sup>

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RULE 4 (e)-4. Application for License for Transmission Line Only.
RULE 4 (f). Application for Preliminary Permit and Amendments Thereof.
RULE 6. Surrender or Termination of License.
RULE 8-1. Application for Transfer of License.
RULE 8-2. Application for Lease of Project Property.
RULE 10 (b). Application for Amendment of License.
RULE 10 (e). Annual Charges.
RULE 23 (a). Determination of Fair Value.
RULE 23 (b). Declaration of Intention.
RULE 24. Application for Vacation of Withdrawal and Restoration to Entry.
RULE 202 (b). Application for an Order Directing the Establishment of Physical Connection of Facilities.
RULE 202 (d). Application for Emergency Connections of Facilities.
RULE 202 (e). Application for Authorization to Transmit Electric Energy to a Foreign Country—Authorization.
RULE 203. Application for Approval of the Sale, Lease, or Other Disposition of Facilities, or for the Merger or Consolidation of Facilities, or for the Purchase or Acquisition of Securities of a Public Utility—Approval.
RULE 204 (a). Application for Authorization of the Issuance of Securities or the Assumption of Liabilities—Authorization.
RULE 204 (e). Certificate of Notification.
RULE 205. Filing of Rate Schedules and Monthly Reports.
RULE 209. Cooperative Procedure with State Commissions.
RULE 301 (a). Adjustment of Accounts and Reports.
RULE 305 (b). Application for Authority to Hold Interlocking Positions—Authorization.
APPROVED FORMS: <sup>3</sup>
Form 309-9. Certificate of Service.
Form 4 (e)-1. Application for License.
Form 4 (e)-2. Certification of Organization.
Form 4 (e)-3. Certification of Exhibits.
Form 4 (e)-4. Transmission Lines Only.
Form 4 (f). Application for Preliminary Permit.
Form 10 (b). Application for Amendment of License.
Form 204 (a)-1. Balance Sheet.
Form 204 (a)-2. Classification of Utility Plant.
Form 204 (a)-3. Comparative Income Statement.
Form 204 (a)-4. Report of Securities Issued.
Form 204 (e). Certificate of Notification.
Form 205-1. Succession in Ownership or Operation.
Form 205-2. Certificate of Adoption.
Form 305 (b). Verification of Application.
SPECIFICATIONS FOR DRAWINGS.

**RULES OF PRACTICE AND REGULATIONS**

**RULE 309. OFFICE AND ADDRESS OF THE COMMISSION.**

SEC. 1. *Address; office hours.*—All communications to the Commission must be addressed to Washington, D. C., unless

<sup>3</sup> These forms were filed with the Division of the Federal Register as a part of this document, copies of which are available upon application to the Federal Power Commission.



otherwise specifically directed. Pleadings and other papers required to be filed with the Commission may be transmitted through any agency of the Commission, by mail, or express, or otherwise delivered, but must be received for filing at its Washington, D. C., office within the time limit, if any, for such filing. The office is open from 9 A. M. until 4:30 P. M. of each business day except Saturday, upon which day it is open from 9 A. M. to 1 P. M., or as provided by statute or Executive Order.

#### RULE 309-1. PUBLIC SESSIONS AND HEARINGS.

SEC. 1. *Notice.*—Public sessions of the Commission for hearing evidence or oral argument or for public conferences and hearings before any Commissioner, examiner or other representative of the Commission, will be held as set upon notice by the Commission, subject to change upon reasonable notice.

#### RULE 309-2. PARTIES.

SEC. 1. *Classes.*—The parties to proceedings before the Commission are applicants, complainants, petitioners, defendants, interveners, protestants and respondents, according to the nature of the proceedings and their relationship thereto.

SEC. 2. *Appearances.*—Any party may appear and be heard in person or by attorney and a corporation or association may be represented by a bona fide officer thereof. All persons appearing in such proceedings must conform to the standards of ethical conduct required of practitioners before the courts of the United States and, where applicable, to the requirements of Sec. 12 (i) of the Public Utility Holding Company Act of 1935. Failure to conform to these standards will be ground for declining to permit appearance in any proceeding before the Commission.

SEC. 3. *Applicants defined.*—In proceedings involving applications by persons subject to the Act for permission or authorization which the Commission may give under the authority of the Act, the parties on whose behalf the applications are made are styled applicants.

SEC. 4. *Complainants.*—Parties who complain to the Commission of anything done or omitted to be done in violation of the provisions of the Act by any person subject to the Act, are styled complainants. (See Rule 309-4.)

SEC. 5. *Petitioners.*—Parties seeking relief, not otherwise designated herein, are styled petitioners. (See Rule 309-3.)

SEC. 6. *Defendants.*—Persons subject to the Act, against whom any complaint is filed, are styled defendants. (See Rule 309-4.)

SEC. 7. *Interveners.*—Parties permitted to intervene as hereinafter provided, are styled interveners. (See Rule 309-3.)

SEC. 8. *Protestants.*—Parties objecting on the ground of private or public interest to the approval of an application or petition which the Commission may have under consideration, are styled protestants. (See Rule 309-6.)

SEC. 9. *Respondents.*—Persons subject to the Act, to whom an order or notice is issued by the Commission instituting a proceeding or investigation on its own initiative, are styled respondents.

#### RULE 309-3. PETITIONS.

SEC. 1. *Contents.*—Petitions for relief under the Act should state clearly and concisely the interest of the petitioner in the subject matter of the petition and the relief sought and cite by appropriate reference the section, paragraph, etc., of the Act relied upon for relief and must conform to the requirements of Rule 309-8.

SEC. 2. *Intervening petitions.*—Anyone entitled under the Act to complain to the Commission in any pending proceeding may petition to intervene therein prior to or at the time it is called for hearing but not after, except for good cause shown. Petitions for intervention must set forth the grounds of the proposed intervention; the position and interest of the petitioner in the proceeding; and if affirmative relief is sought, must conform to the requirements of a formal complaint and must be subscribed and verified in the same manner as a formal complaint. If leave is granted, the petitioner thereby becomes an intervener and a party to the proceeding.

#### RULE 309-4. COMPLAINTS.

SEC. 1. *Informal and formal.*—Complaints may be informal or formal.

SEC. 2. *Informal complaints.*—Informal complaints may be made by letter or other writing, and will be filed as received. Matters informally presented will, if their nature so warrants, be taken up by correspondence or conference with the party or parties complained of in an endeavor to bring about satisfaction of the complaint without formal hearing.

SEC. 3. *Substance of informal complaints.*—No form of informal complaint is prescribed, but in substance the letter or other writing should contain the name and address of complainant, the name of the party against whom the complaint is made, and a brief statement of the facts forming the basis of such complaint. While the filing of an informal complaint is without prejudice to complainant's right to file formal complaint, only formal complaints submitted and prosecuted in the manner hereinafter prescribed will entitle any person, natural or artificial, to initiate formal proceedings or to become a party to any proceedings already initiated, and only formal complaints will be admitted in the record of formal proceedings. It is desirable that the informal complaint be accompanied by sufficient copies to enable the Commission to transmit one to each party named, and retain one for its own use, and it may be accompanied by supporting papers.

SEC. 4. *Formal complaints; form and style.*—Formal complaints must conform to the requirements of Rules 309-8 and 309-9. The names of all parties complainant and defendant must be stated in full without abbreviations, and the address of each complainant with the name and address of his attorney, if any, must appear.

SEC. 5. *Joinder of complaints or complainants.*—Two or more grounds of complaint involving the same purposes, subject, or state of facts, may be included in one complaint, but should be separately stated and numbered; and two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants, and involve substantially the same purposes and subject, and a like state of facts.

SEC. 6. *Substance of formal complaints.*—Formal complaints should be so drawn as fully and completely to advise the parties defendant and the Commission, wherein the provisions of the Act have been or are violated by the acts or omissions complained of, or will be violated by a continuance of such acts or omissions, and should set forth briefly and in plain language the facts claimed to constitute such violations, and the relief sought.

SEC. 7. *Subscription and verification.*—Every formal complaint must be personally subscribed (1) by the complainant, or by one of the complainants if there be more than one, (2) by an officer of the complainant if it be a corporation, or (3) for the complainant by his attorney. In addition, the facts alleged must be verified under oath by a complainant, an officer of complainant, or by the attorney for the complainant. If the subscription and verification, or either thereof, be by anyone other than the complainant or an officer or attorney thereof as aforesaid, the reason it is so made must be stated, and the power of attorney or authority authorizing such affiant to prosecute the complaint or make the verification must be filed with the complaint.

SEC. 8. *Supplemental complaints.*—Supplemental complaints may be tendered for filing by the complainant against the defendant in the original complaint, setting forth any causes of action under the Act alleged to have accrued in favor of the complainant and against the defendant since the filing of the original complaint, and, upon leave granted, will be filed and served by the Commission as provided for original complaints, and heard, considered, and disposed of therewith in the same proceeding, if practicable.

#### RULE 309-5. ANSWERS.

SEC. 1. *Answers to formal complaints.*—Answers to formal complaints must be filed with the Commission within thirty (30) days after the day on which the complaint was served. This period may be shortened or extended by the Commis-



sion in its discretion. Any defendant failing to file answer within such period will be deemed in default, and issue as to such defendant will be thereby joined. All answers should be so drawn as fully and completely to advise the parties and the Commission as to the nature of the defense, and should admit or deny, specifically and in detail, each material allegation of the pleading answered and must conform to requirements of Rule 309-8.

SEC. 2. *Answers to petitions.*—Answers to petitions in intervention or amended complaints, filed and served upon leave granted, need not be separately made unless the defendants so elect, and their answers to the formal complaint will be deemed answers to the petition in intervention or amended complaint. Answers if separately made should be filed and served in the same manner as is provided for answers to the original complaint.

SEC. 3. *Cross complaints.*—Cross complaints alleging violations of the Act by other parties to the proceeding, or seeking relief against them under the Act, and involving substantially the same purposes and subject or a like state of facts, may be tendered for filing by defendants with their answers, and upon leave granted will be filed and served by the Commission in the manner provided for complaints. In such cases the cross complaints will be heard, considered and disposed of in the same proceeding with the original complaint.

SEC. 4. *Answers to cross complaints.*—Unless otherwise ordered by the Commission answers to cross complaints filed and served upon leave granted must be filed and served within twenty (20) days after service of the cross complaint.

SEC. 5. *Satisfaction of complaints.*—If the defendant satisfies a formal complaint either before or after answering, a statement to that effect signed by the opposing parties must be filed setting forth when and how the complaint has been satisfied.

#### RULE 309-6. PROTESTS.

SEC. 1. *Contents.*—Protests must set forth the position and interest of the protestant in the proceeding and must be so drawn as fully and completely to advise the parties and the Commission as to the acts or omissions complained of, and should in other respects conform to the requirements of Rule 309-4 for complaints.

#### RULE 309-7. AMENDMENTS TO PLEADINGS.

SEC. 1. *Allowance or refusal discretionary.*—Amendments to any pleading will be allowed or refused by the Commission in its discretion.

SEC. 2. *Subscription and verification.*—Whenever by these rules a principal pleading is required to be subscribed and verified, an amendment thereto must be similarly subscribed and verified.

SEC. 3. *Directed amendments.*—The Commission may direct a party to state his case by way of amendment, more fully or in more detail.

#### RULE 309-8. SPECIFICATIONS AS TO APPLICATIONS, COMPLAINTS, ANSWERS, PETITIONS, BRIEFS, ETC.

SEC. 1. *Typewritten or printed only.*—Except where otherwise specifically provided, all papers to be filed under these rules must be typewritten or printed.

SEC. 2. *Size and legibility.*—If typewritten, they must, unless otherwise specifically provided, be on paper 8½ inches wide by 11 inches long, with left-hand margin not less than 1½ inches wide. The impression must be on only one side of the paper and must be double-spaced, except that long quotations should be single-spaced and indented. Mimeographed, multigraphed, or planographed copies will be accepted as typewritten. All copies must be clearly legible.

SEC. 3. *Sizes of printed paper.*—If printed, they must be not less than 10 point type on unglazed paper, 5 and 7⁄8 inches wide by 9 inches long, with inside margin not less than one inch wide and with double-leaded text and single-leaded citations.

SEC. 4. *Signature.*—Applications, declarations of intention, complaints, answers, petitions, protests and notices must be

signed in ink by the party in interest, or by his or its duly authorized attorney, and must show the office and post office address of the same.

SEC. 5. *Improper matter.*—Any paper containing defamatory, scurrilous or unethical matter will be rejected by the Commission.

#### RULE 309-9. SERVICE, NUMBER OF COPIES.

SEC. 1. *By the Commission.*—Applications, formal complaints, petitions, and upon leave granted, petitions in interventions, supplemental complaints, cross complaints and amended complaints, will be served by the Commission. Such service will be by mail or otherwise, as may be appropriate in each specific case.

SEC. 2. *By parties.*—Protests, answers, briefs, notices and all other papers, except depositions, in formal proceedings pending before the Commission shall, when tendered to the Commission for filing, show service thereof upon all parties to the proceeding. Such service shall be made by delivering in person or by mail, properly addressed with postage prepaid, one copy to each party. (See Form 309-9.)

SEC. 3. *Service upon attorneys.*—When any party has appeared by attorney, service upon such attorney will be deemed service upon the party.

SEC. 4. *Number of copies.*—Except where otherwise specifically provided in these rules, all pleadings which are served by the Commission must be accompanied by copies in sufficient number to enable the Commission to transmit one copy to each party to the proceeding and retain five copies for its own use. Where service is made by the parties five copies are required for the use of the Commission.

#### RULE 309-10. CONTINUANCES, EXTENSIONS OF TIME.

SEC. 1. *Contents; time of filing.*—Applications for continuances or for the extension of time in which to file any pleadings or briefs shall be by petition in writing stating the facts on which the application rests, and must be filed with the Commission at least seven days before the date set for hearing, or on or before the time for filing such pleadings or briefs, and must conform to the requirements of Rules 309-8 and 309-9.

SEC. 2. *Discretion in granting or denying.*—Continuances and extensions of time will be granted or denied at the discretion of the Commission.

#### RULE 309-11. DOCUMENTARY EVIDENCE.

SEC. 1. *Designation.*—When relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant, the party offering the same must plainly designate the matter so offered. If other matter is in such volume as would necessarily cumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the presiding Commissioner, examiner, or other representative so directs, a true copy of such matter, in proper form, shall be received as an exhibit, and like copies delivered by the party offering the same to opposing parties or their attorneys appearing at the hearing who shall be afforded an opportunity to examine the book, paper, or document, and to offer in evidence in like manner other portions thereof if found to be material and relevant.

SEC. 2. *Commission's files.*—In case any matter contained in a report or other document on file with the Commission is offered in evidence, such report or other document need not be produced or marked for identification, but in other respects the provisions of the foregoing Sec. 1 of this rule will apply.

SEC. 3. *Records in other proceedings.*—In case any portion of the record in any other proceeding is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

A. The party offering the same agrees to supply such copies later at his own expense, if and when required by the Commission; or

\* See Footnote 3.



B. The portion is specified with particularity in such manner as to be readily identified; or

C. The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference subject to A and B; and

D. The presiding Commissioner, examiner or other representative directs such incorporation.

SEC. 4. *Objections.*—Any documentary evidence offered, whether in the form of exhibit or by reference, shall be subject to appropriate objection.

SEC. 5. *Copies to opposing counsel.*—When exhibits of a documentary character are offered in evidence, copies must be furnished to opposing counsel unless the presiding Commissioner, examiner or other representative otherwise directs.

SEC. 6. *Size; form.*—Whenever practicable, all exhibits of a documentary character received in evidence must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten; if typewritten, they must conform to the requirement of Rule 309-8.

SEC. 7. *Copies for the Commission.*—Unless the presiding Commissioner, examiner, or other representative shall otherwise direct, three copies of each exhibit of a documentary character must be furnished for the use of the Commission, in addition to the copies provided for under Sec. 5 hereof.

#### RULE 309-12. STIPULATIONS.

SEC. 1. *How evidenced.*—A party or parties may, in writing filed with the Commission or presented at the hearing, stipulate as to any facts involved in the proceeding; but such stipulation shall not bind the Commission.

SEC. 2. *Form and style; service.*—Stipulations must conform to the requirements of Rules 309-8 and 309-9.

#### RULE 309-13. WITNESSES AND SUBPENAS.

SEC. 1. *Subpenas.*—Subpenas for the attendance of witnesses or for the production of books, papers or documents, unless directed by the Commission upon its own motion, will issue only upon application in writing. Applications to compel witnesses to produce documentary evidence must be verified, and must specify as nearly as may be, the books, papers or documents desired and the facts to be proved by them.

SEC. 2. *Fees of witnesses.*—Witnesses who are summoned are entitled to the same fees as are paid for like services in the courts of the United States, such fees to be paid by the party at whose instance the testimony is taken, and the Commission before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

SEC. 3. *Subpenas; service; return.*—If service of subpoena is made by a United States Marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereof, describing the manner in which service is made and return such affidavit on or with the original subpoena. In case of failure to make service, the reasons for the failure shall be stated on the original subpoena. In making service, the original subpoena shall be exhibited and read to the person served, and a copy thereof shall be left with him. The original subpoena, bearing or accompanied by the required return, affidavit or statement, shall be returned forthwith to the Secretary of the Commission, or if so directed on the subpoena, to the presiding Commissioner, examiner or other representative of the Commission before whom the person named in the subpoena is required to appear.

#### RULE 309-14. DEPOSITIONS.

SEC. 1. *When permissible.*—The testimony of any witness may be taken by deposition, at the instance of a party to any proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission, in compliance with these rules of practice, but not otherwise.

SEC. 2. *Officer before whom taken.*—Such depositions may be taken before a Commissioner, examiner, or other authorized representative of the Commission, any judge, commissioner or clerk of any court of the United States, any chan-

cellor, judge or justice of a State court, mayor or chief magistrate of a city, or any notary public not being of counsel or attorney to either of the parties or interested in the proceeding or investigation, according to such designation as the Commission may make in its order in the premises. Where such deposition is taken in a foreign country, it may be taken before an officer or person designated by the Commission or agreed upon by the parties by stipulation in writing to be filed with the Commission. The magistrate, person or officer so designated in this rule will be referred to as the officer.

SEC. 3. *Notice of application; service; order for taking.*—Reasonable notice of not less than 10 days, and when the deposition is to be taken in a foreign country, of not less than 15 days, must first be given in writing by the party or his attorney proposing to take such deposition to the opposing party or his attorney of record, and to the Commission. In such notice, there should be stated the name and post office address of the witness, the subject matter concerning which the witness is expected to testify, the time and place of taking the deposition, and the name and post office address of the officer before whom it is desired that the deposition be taken. The opposing party may, within the time stated above, make any appropriate response to such notice. Thereupon, if the application so warrants, the Commissioner will make and serve upon the parties or their attorneys an order, wherein the Commission will name the witness whose deposition is to be taken, and specify the time, place and the officer before whom the witness is to testify, but such time and place and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as those named in said notice to the Commission.

SEC. 4. *Oath; reduction to writing.*—Every person whose deposition is so taken shall be sworn (or affirmed if he so requests) to testify to the whole truth and nothing but the truth concerning the matter about which he shall testify, and shall be carefully examined. His testimony shall be reduced to typewriting by the officer before whom the deposition is taken, or under his direction, after which the deposition shall be subscribed by the witness, and certified in usual form by the officer. After the deposition has been so subscribed and certified it shall, together with two copies thereof made by such officer or under his direction, be forwarded by such officer, in a sealed envelope addressed to the Commission at its office in Washington, D. C. with sufficient stamps for postage affixed. Upon receipt of the deposition and copies, the Commission will file the deposition in the record in said proceeding, and forward one copy to the party at whose instance the deposition has been taken or his attorney, and the other copy to the opposing party or his attorney. When the deposition is taken at the instance of more than one party, or there is more than one opposing party, the copies will be forwarded by the Commission to the parties or their attorneys designated for that purpose in advance.

SEC. 5. *Fees of officers and witnesses.*—Witnesses whose depositions are taken and the officers taking same, shall be entitled to the same fees as are paid for like services in the courts of the United States, which fees shall be paid by the party at whose instance the depositions are taken.

#### RULE 309-15. HEARINGS.

SEC. 1. *How ordered.*—Hearings may be ordered by the Commission in its discretion, either upon its own motion, or upon the motion of any party to the proceeding. Witnesses will be examined orally, unless the testimony is taken by deposition, as provided in Rule 309-14 or the facts are stipulated in the manner provided for in Rule 309-12.

SEC. 2. *Notice of hearing.*—Appropriate public notice of any hearing will be given. The notice will state the nature of the matters to be heard, the time and place of the hearing, and, if designated, the name of the Commissioner, examiner or other representative before whom the testimony is to be taken or the evidence produced. Such notice will be mailed to the parties to the proceeding, to State or



other Governmental authorities having official interest in the proceeding, and to such individuals or organizations as may be deemed to have a substantial interest therein.

SEC. 3. *Appearances.*—The presiding Commissioner, examiner, or other representative before whom the hearing is held will enter upon the record all appearances, with a notation in whose behalf the appearance is made.

SEC. 4. *Order of procedure.*—At hearings on formal complaints, the complainant shall open and close. At hearings upon applications, the applicant shall open and close. At hearings on investigations, the presiding Commissioner, examiner, or other representative may direct who shall open and close. In hearings of several proceedings on a consolidated record the presiding Commissioner, examiner, or other representative shall designate who shall open and close. Interveners shall follow the parties in whose behalf the intervention is made, and in all cases where the intervention is not in support of either original party, the presiding Commissioner, examiner or other representative will designate at what stage such intervener shall be heard.

SEC. 5. *Calling for further evidence.*—At any stage of the hearing, or after the close of testimony, the presiding Commissioner, examiner, or other representative may call for further evidence upon any issue, and require such evidence to be presented by the party or parties concerned or by the staff of the Commission, either at that hearing or at a further hearing. At the hearing, the Commissioner, examiner, or other representative presiding, if he deems advisable, may authorize any party to the proceeding to file specific documentary evidence as a part of the record within a time to be fixed by him, but which shall expire not less than 10 days before the date fixed for filing and serving briefs.

SEC. 6. *Closing of record.*—Except as provided in Sec. 5 of this rule, the Commissioner, examiner, or other representative conducting the hearing will not receive in evidence or consider as part of the record any document, letter, or other writing submitted after the close of testimony, and will so advise the sender.

#### RULE 309-16. TRANSCRIPT OF TESTIMONY.

SEC. 1. *Copies not furnished by the Commission.*—The Commission will make provision for a stenographic record of the proceeding and for such copies of the transcript as it requires for its own purposes, but no copies will be furnished to parties by the Commission.

#### RULE 309-17. BRIEFS AND ORAL ARGUMENT.

SEC. 1. *Oral argument.*—If oral argument before the presiding Commissioner, examiner, or other representative is desired, he should be so notified before or at the hearing, and he may arrange to hear the argument at the close of the testimony. He may impose such limits of time on the argument as he may determine, having regard for other assignments for hearing before him. Such argument will be transcribed and bound with the transcript of testimony and will be available to the Commission for consideration in deciding the case.

SEC. 2. *Forms and style of briefs.*—Briefs must comply with the requirements of Rule 309-8. The date of each brief must appear on the front cover or title page. Each brief should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects with reference to the pages of the record or exhibit where the evidence appears. It should include requests for such specific findings as the party thinks the Commission should make.

SEC. 3. *Arrangements of contents.*—The brief should contain a concise statement of the case, which should precede the abstract of evidence. The abstract of evidence should precede the argument. Exhibits should not be reproduced in the brief, but if desired may be reproduced in the appendix of the brief. Analyses of such exhibits should be included in the abstract of evidence under the subjects to which they pertain. Every brief of more than twenty pages should contain on its front leaves a subject index with page references, and a list of all cases cited alphabetically ar-

ranged with references to the pages where the citations appear.

SEC. 4. *Filing; service; number of copies.*—At the close of the testimony in each case, the presiding Commissioner, examiner, or other representative will, within his discretion, fix the time for filing and service of the respective briefs, depending upon the magnitude of the issues involved. All briefs should be filed simultaneously. Only one initial brief shall be filed by each party. All briefs must be accompanied by notice showing service upon all parties or their attorneys who appeared at the hearing or on brief, and 15 copies of each brief shall be furnished for the use of the Commission.

SEC. 5. *Reply briefs.*—The presiding Commissioner, examiner, or other representative shall fix for all parties the same time within which to file their reply briefs. Parties who fail to file an opening or initial brief as required by this rule will not be permitted, except upon leave granted, to file reply to the brief of an opposing party.

#### RULE 309-18. APPLICATION FOR FURTHER HEARING, REHEARING, REARGUMENT, RECONSIDERATION OR MODIFICATION OF AN ORDER.

SEC. 1. *Petition; filing; service.*—An application for further hearing in a proceeding before final submission, for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision, must be made by petition, stating specifically the grounds relied upon, filed with the Commission, and served by the petitioner upon all parties to the proceeding or their attorneys.

SEC. 2. *Statement as to new evidence.*—If the application be for further hearing before final submission, or for reopening the proceeding to take further evidence, the nature and purpose of the evidence to be adduced must be briefly stated, and it must appear not to be merely cumulative.

SEC. 3. *Specification of errors.*—If the application be for rehearing, reargument, or reconsideration, the matters claimed to have been erroneously decided must be specified, and the alleged errors briefly stated. If the order of the Commission is sought to be vacated, reversed or modified by reason of matters which have arisen since the hearing, or of a consequence which would result from compliance therewith, the matters relied upon by the petitioner must be set forth in the petition.

SEC. 4. *Time of filing.*—A petition for rehearing, reargument, reconsideration or modification of an order, must be filed within thirty (30) days after service of the order therein.

SEC. 5. *Form and style; service.*—Applications under this rule must conform to the requirements of Rules 309-8 and 309-9.

#### RULE 309-19. COMPUTATION OF TIME.

SEC. 1. *When Sunday and holiday not included.*—When the time prescribed by these rules for doing any act expires on a Sunday or legal holiday, such time shall extend to and include the next succeeding day that is not a Sunday or legal holiday.

#### RULE 4 (b)-1. DETERMINATION OF COST OF PROJECTS CONSTRUCTED UNDER LICENSE.

SEC. 1. *Filing of claim.*—When a project is constructed under a license issued under the Act, the licensee shall file under oath with the Commission at Washington, D. C., within one year after the original project is ready for service, a statement in duplicate showing the amount claimed by the licensee as the actual legitimate cost of construction of the original project and the price paid for water rights, rights-of-way, lands or interests in lands, in such detail and on such forms as the Commission may prescribe or approve for that purpose. Similar statements with respect to additions and betterments to the original project shall be filed annually as of December 31, unless the Commission shall otherwise direct. Prescribed forms will be furnished by the Commission upon application by the licensee.

SEC. 2. *Substance.*—Each statement so filed shall give full, adequate and complete information with respect to the cost



of the original project or addition and betterment, as the case may be. Any statement which does not contain sufficient information will be returned to the licensee for such additional information as the Commission may deem necessary.

SEC. 3. *Engineering and accounting reports.*—When a statement in satisfactory form shall have been filed with the Commission, its representatives will make an audit and examination of the books, accounts, and records of the licensee supporting such statement, and an engineering analysis of the cost as claimed. Upon completion of the audit, examination and analysis, representatives of the Commission will prepare engineering and accounting reports setting forth in detail their findings and recommendations.

SEC. 4. *Service of reports.*—Copies of such reports will be served by registered mail upon said licensees, and copies will also be sent to the State Public Service Commission, or if the State has no regulatory agency, to the Governor of the State where such project is located, and to such other parties as the Commission shall prescribe, and the reports will be made public at the time of service upon the licensee.

SEC. 5. *Time for filing protest.*—Thirty (30) days after service thereof will be allowed to such licensee within which to file a protest to such reports (see Rule 309-6). If no protest is filed within the time allowed, the Commission will issue such order as may be appropriate. If a protest is filed, a public hearing will be ordered in accordance with Rule 309-15.

SEC. 6. *Burden of proof.*—The burden of proof to sustain each item of the statement of claimed cost as filed shall be upon the licensee and only such items as are in the opinion of the Commission supported by satisfactory proof may be entered in the electric plant accounts of the licensee.

SEC. 7. *Findings.*—Final action by the Commission will be in the form of a finding and order entered upon its minutes and served upon all parties to the proceeding. A duplicate of the statement prepared by licensee in conformity with such finding and order will be deposited with the Secretary of the Treasury.

#### RULE 4 (b)-2. DETERMINATION OF COST OF CONSTRUCTED PROJECTS NOT SUBJECT TO SECTION TWENTY-THREE OF THE ACT.

SEC. 1. *Inventory and cost statement.*—In all cases where licenses are issued for projects already constructed, but which are not subject to the provisions of Section 23 of the Act, the licensee shall, within six months after the date of issuance of license, file with the Commission an inventory in detail of all property included under the license, as of the effective date of such license. Such inventory shall also show, or shall be accompanied by a statement showing the actual legitimate, or if not known, estimated original cost of the property by items or units; an estimate of the accrued depreciation segregated as to each separate major item or unit of property; and such other detail as the Commission may require in any particular case. Such inventory and statement of cost and depreciation shall be submitted on forms to be supplied or approved by the Commission prior to such submission.

SEC. 2. *Reports.*—Representatives of the Commission will check the inventory and estimated depreciation, make an audit of the books, records and accounts of the licensee relating to the property under license, and prepare engineering and accounting reports of their findings with respect to the inventory, the original cost of the property and the estimated accrued depreciation thereon.

SEC. 3. *Service of reports.*—Copies of such reports will be served by registered mail upon said licensees, and copies will also be sent to the State Public Service Commission, or if the State has no regulatory agency, to the Governor of the State where such project is located, and to such other parties as the Commission shall prescribe, and the reports will be made public at the time of service upon the licensee.

SEC. 4. *Time for filing protest.*—Thirty (30) days after service thereof will be allowed to such licensee within which to file a protest to such reports (see Rule 309-6). If no protest is filed within the time allowed, the Commission will

issue such order as may be appropriate. If a protest is filed, a public hearing will be ordered in accordance with Rule 309-15.

SEC. 5. *Determination of cost.*—The Commission, after receipt of the reports, or after the conclusion of the hearing if one is held, will determine the amounts to be included in the electric plant accounts of the licensee as the cost of the property and the accrued depreciation thereon.

SEC. 6. *Finding.*—Final action by the Commission will be in the form of a finding and order entered upon its minutes and served upon all parties to the proceeding. A duplicate of the statement prepared and filed by licensee in conformity with such finding and order will be deposited with the Secretary of the Treasury.

#### RULE 4 (c). APPLICATION FOR LICENSE—GENERAL PROVISIONS.

SEC. 1. *Who may file.*—An application for license may be filed by a permittee in accordance with the provisions of his preliminary permit, or if no permit has been issued, by any citizen, association of citizens, corporation, State, or municipality desirous of obtaining a license pursuant to the Act.

SEC. 2. *Manner of filing.*—Each application for license shall conform to the requirements of this rule and Rule 309-8. When an application which is complete and in satisfactory form is received, it will be given a filing number, receipt thereof will be acknowledged to the applicant, and notices will be given in accordance with the requirements of Section 4 of the Act. Notice will also be given to the General Land Office as to the public lands affected, if any, so that withdrawals from entry may be recorded, unless such action has been taken previously in connection with a preliminary permit. When an application is received which is not complete in all respects, but which contains all information essential for the issuance of public notice and other initial action, it may be accepted for filing but the applicant will be required to furnish the missing data prior to further consideration. Failure to furnish such data within a reasonable time will constitute grounds for rejection of the application.

SEC. 3. *Hearing on application.*—A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, and such proceeding shall be in accordance with the provisions of Rule 309-15.

SEC. 4. *Issuance and acceptance.*—When the Commission shall have authorized the issuance of a license, the same shall be forwarded to the applicant for acceptance. If not accepted within sixty days after receipt thereof, the application will be denied unless an extension of the period is granted by the Commission upon a showing of the necessity therefor.

#### RULE 4 (c)-1. APPLICATION FOR LICENSE FOR PROPOSED MAJOR PROJECT OR MINOR PART THEREOF.

SEC. 1. Each application for license for a complete project of more than 100 horsepower installed capacity, to be constructed, or for a minor part of such project shall be verified, shall conform to Form 4 (c)-1,<sup>5</sup> and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise designated, 4 copies of the application and all accompanying documents shall be submitted.

A. The exact name and address of the applicant. (If the applicant desires that correspondence concerning the application be directed to any person other than the one who signs the application, the Commission should be notified of that fact and of the name and address of such other person.)

B. If the applicant is a corporation, the State or Territory under the laws of which the applicant is organized, and if authorized to operate in more than one State, all pertinent facts should be stated.

C. The measure of control or ownership, if any, exercised by or over applicant in any other organization.

D. The name of each State in which the applicant operates or proposes to operate electric power plants or facilities.

<sup>5</sup> See Footnote 3.



E. A concise general description of the project and the principal project works, including dams, reservoirs, water conduits, power houses, substations, switch yards, and transmission lines, in such detail as may be applicable.

F. The location of the project, the region of its location designated by adjacent cities and towns, the name of the stream on which the proposed project will be located, and a statement of the extent to which commerce is carried thereon.

G. The lands of the United States which will be affected by the proposed project.

H. The proposed scheme of development; also an estimate of the power available for ninety percent of the time and the proposed installed capacity, expressed in horsepower.

I. The proposed use or market for the power to be developed, indicating whether applicant is a public utility or will become a public utility, and if so whether it is or will be subject to regulation by any State agency. In case the applicant can give no positive assurance that there is or will be a demand for the power upon completion of construction of the project, and that it will be used or distributed by the applicant or sold to others for use or distribution, a full and complete statement and explanation shall be made of the applicant's expectations in this regard and of the basis therefor.

J. The location and capacity of all power plants owned or operated by the applicant, the market supplied thereby, and the relation thereof to the project applied for and a brief description of such other plants.

K. Other data which the applicant may consider pertinent.

SEC. 2. *Required exhibits.*—There shall be filed with the application for license and as a part thereof the following exhibits, certified in conformity with Forms 4 (e)-2 and 4 (e)-3:

*Exhibit A.*—If applicant is a corporation: One copy of charter or certificate and articles of incorporation, with all the amendments thereto, duly certified by the Secretary of State of the State where organized, or other proper authority and three uncertified copies; one copy of the by-laws, and three uncertified copies; and a list of officers and directors. If the project is located in another State than that in which the corporation is organized, a certificate and three copies shall be submitted from the Secretary of State or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality: One copy of its charter or other organization papers, duly certified by the Secretary of State of the State in which it is located, or other proper authority, and three uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by applicant that he is a citizen of the United States, and three copies thereof.

If the applicant is an association: One verified copy and three additional copies of its articles of association. If there are no articles of association, that fact shall be stated over the signature of each member of the association and three additional copies of the statement submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, and original and three copies submitted.

*Exhibit B.*—Copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant, properly attested and three additional copies, authorizing the filing of application.

*Exhibit C.*—If special hydroelectric, water-power, or irrigation laws of the State or States involved pertain to the construction of the applicant's project, submit copies of such law or reference thereto. (General State incorporation acts are not desired.)

*Exhibit D.*—Evidence that the applicant has complied with the requirements of the laws of the State or States within which the project is to be located with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting, and distributing power, and in any other business, necessary to effect the purposes of the license applied for, including a certificate of convenience and necessity, if required. This evidence shall be accompanied by a statement of the steps that have been taken and the steps that remain to be taken to acquire franchise or other rights from States, counties, and municipalities before the project can be completed and put in operation.

*Exhibit E.*—The nature, extent, and ownership of water rights which the applicant proposes to use in the development of the project covered by application, together with satisfactory evidence that the applicant has proceeded as far as practicable in perfecting its rights to use sufficient water for proper operation of the project works. A certificate from the proper State agency setting forth the extent and validity of the applicant's water rights shall be appended if practicable. In case the approval or permission of one or more State agencies is required by State law as a condition precedent to the applicant's right to take or use water for the operation of the project works, duly certified evidence of such approval or permission, or a showing of cause why such evidence cannot be reasonably submitted shall also be filed. When a State certificate is involved, one certified copy and three uncertified copies shall be submitted.

*Exhibit F.*—Full details as to lands owned by applicant and by the United States, and as to applicant's plans for acquiring title to or the right to occupy and use lands other than those owned by the applicant or by the United States, necessary or essential for carrying out the project covered by the application. If the applicant, at the time of filing application, has by easement, lease, franchise, or otherwise acquired the right to occupy and use lands owned by others, the statement should show with respect to each separate right of occupancy and use:

- (1) From whom acquired.
- (2) The date acquired.
- (3) Nature and extent of the right acquired.
- (4) Whether perpetual or limited term.
- (5) If of limited term, when such term expires.

*Exhibit G.*—Statement showing the financial ability of the applicant to carry out the project applied for, together with a statement or explanation of the proposed method of financing the construction thereof.

*Exhibit H.*—Statement of the effect of the proposed operation of the project works on the normal flow of the stream, including a statement of the minimum flow proposed to be released during periods of low water and full exposition of the relation of any proposed ponding of the flow to the conservation and utilization in the public interest of the available water resources for the purposes of power, navigation, irrigation, reclamation, flood control, and municipal water supply.

*Exhibit I.*—Complete data upon which the estimate of power available for ninety percent of the time and the installed horsepower capacity of the project are based, including stream-flow, evaporation records, static heads, etc., a list of all present and proposed sources of power for the system of which the project will be a part, including both water-power and fuel-power plants, their approximate location and source of water, ultimate capacity of all power plants in use or proposed to be used, and the present installed capacity of constructed plants; also connections, if any, with other power systems.

*Exhibit J.*—General map covering the entire project area, showing on a single sheet and to an appropriate scale the following:

- (1) Principal structures and other important features of the project, including such roads, railways, tramways,



and bridges as it is proposed shall become part of the project works and be placed under the license.

(2) All substations, switchyards, transmission lines, and telephone lines, which it is proposed shall become a part of the project works and be placed under license, as well as the entire or principal part of the transmission system, if any, with which the project may be connected, indicating prominently by appropriate symbol the portion or portions of the transmission lines or system covered by application for license.

(3) State and county lines, towns, streams, railroads, power plants, irrigation systems, and other features in the vicinity of the proposed development, information concerning which will aid in arriving at a general comprehension of the project.

(4) Reference to the detail map indicating by outline the portion shown on each sheet.

(5) If all features cannot be shown with sufficient distinctness on one sheet, two general maps may be furnished, one for the power plant and appurtenant works, and one for the transmission system (one tracing and 4 blue prints. See Specifications for Drawings).

*Exhibit K.*—Detail map covering entire project area. Scale shall be such as to show clearly, but without unnecessary multiplicity of sheets, the essential details of surveys and of notes as to ownership or right of occupancy of lands within the project area. In general, a scale of approximately 400 feet to the inch is appropriate for features containing a relatively large amount of detail, and scales of 1,000 or 2,000 feet to the inch where there is little detail, as is frequently the case with respect to large reservoirs, transmission and telephone lines, roads, and railways. Elevations shall be tied to Government bench marks whenever available, and shall be referred to mean sea level except that in the case of projects in navigable waters having a datum accepted for local use by the Office of the Chief of Engineers, War Department, such local datum shall be used. If more than one sheet is used, the sheets shall be numbered consecutively, and each shall bear a small diagram showing the entire map and indicating the portions shown on each sheet. Several sections of a conduit, transmission line, telephone line, road, railway, etc., may be shown upon a single sheet, each so placed or limited as to avoid crowding or confusion. Except to the extent and in such particulars as the requirements may be expressly waived or modified by the Commission, the detail map to be filed as this exhibit shall conform to the specifications for drawings and the following requirements:

(1) It shall show the project area and the project boundary.

(a) Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipelines, transmission lines, roads, and other so-called continuous structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks with reference lines therefrom to permanent objects in accordance with good practice in land surveying.

(b) If the project boundary is located on lands covered by the public land survey there shall be shown a reference line from the initial point of the project boundary survey by distances and bearings to an established corner if one can be identified within a distance of two miles. At each intersection of the project boundary, with an identified line of the public land survey, there shall be shown the station number of such intersection on the project boundary, and the bearings and distance to the nearest identified corner in each direction on the public land survey line crossed, if such distance does not exceed one mile.

(c) Field notes or a description by metes and bounds of the final location survey of the project boundary shall be furnished either on the map or on separate sheets to be made a part of the exhibit, unless all courses and distances are fully and legibly shown along the plotted boundary.

(d) Such portions of the project area as will be used for continuous structures, such as transmission lines, telephone lines, canals, roads, etc., may be described by center or offset lines of survey specifying distances of the project boundary therefrom. Such lines of survey shall be referred to the public land survey and permanent objects in a manner similar to that prescribed for the project boundary.

(e) There shall be shown the status as to ownership, and the boundary lines and area of each parcel of land within the project area, designating separately lands owned by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands, full title to which remains in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only an easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right and shall give appropriate reference to "Exhibit F" for further details.

(2) The location shall be accurately shown of all project works, such as:

(a) Dams.

(b) Reservoirs

Show the flow lines for maximum and minimum water levels and for elevation of spillway crest, and give tables or diagrams of areas and capacities for maximum and minimum water levels and for each contour line.

(c) Water conduits.

Show center line, grade, and elevation of bottom at each change of grade, and designate lengths of each type of conduit, i. e., flume, ditch, tunnel, pipe, etc.

(d) Powerhouses, substations, and switchyards.

(e) Transmission lines and appurtenances, telephone lines, roads, railways, trails, tramways, and bridges.

(f) Navigation structures.

(g) Channel approaches to navigation structures.

Indicate elevation of bottom for distances of not less than 1,000 feet above and below the structures.

(3) Show contour lines with contour intervals of not more than 10 feet for the entire project area, except such portions as will be occupied only by such project works as are enumerated in (2) (e) above, or as will be included in reservoirs below the minimum elevation to which the water may be drawn down. Profiles of tunnel lines may be substituted for contours along such lines. (One tracing and 4 blue prints. See Specifications for Drawings.)

*Exhibit L.*—General design drawings showing plans, elevations, and sections of all principal structures and appurtenant works or other features of the project. These drawings shall be in sufficient detail and shall be accompanied by sufficient information relating to controlling factors (such as character of foundations and explorations thereof, materials, types of construction, important elevations, water levels, etc.) to enable the Commission to have a full understanding of the project and to check safety, adequacy, and desirability in the development of the resources involved.

Scales are not specified, but it is desired that they be no larger than necessary to show clearly the information required. Drawings should be simple. Details are desired only as necessary to show features of importance in determining safety, adequacy, and suitability of design. Working drawings are not desired as part of application, but should be prepared for purposes of construction and retained as a



record of the work when completed. In this exhibit shall be included:

(1) Dams and appurtenances, such as spillways, fishways, outlet works, etc.

(2) Navigation structures and approaches thereto, including locks, lock-gates, operating machinery, etc.

(3) Conduits, including forebays, intake works, surge tanks, and other pressure relief devices, etc.

(4) Powerhouses and substations.

(One tracing and 4 blue prints. See Specifications for Drawings.)

**Exhibit M.**—General descriptions and general specifications of mechanical, electrical, and transmission equipment and their appurtenances in sufficient detail to enable the Commission to have a full understanding of the project and to determine the safety of the project works and their adequacy and suitability for the development and utilization of the resources involved.

**Exhibit N.**—Estimate of the cost of developing the project, segregated by principal features showing quantities, unit costs, etc., in sufficient detail for a full understanding of the elements of cost of the project. The estimate shall include all lands, flowage, and other rights, intangible, indirect, overhead, and contingent costs and shall show the total estimated cost of the complete development and of different parts thereof appropriately classified. The estimate shall also show by whom it was made.

**Exhibit O.**—Detailed statement of the time desired for completing construction of the project works. If the ultimate development is to be completed and put into operation in two or more parts, the time desired for beginning and completing the construction of each part shall be given.

#### RULE 4 (e)-2. APPLICATION FOR LICENSE FOR CONSTRUCTED MAJOR PROJECT OR MINOR PART THEREOF.

SEC. 1. Each application for license for a complete project of more than 100 horsepower installed capacity already constructed, or for a minor part of such project, shall be verified, shall conform to Form 4 (e)-1<sup>6</sup> and shall set forth in appropriate detail all information and exhibits prescribed in Rule 4 (e)-1 for applications for licenses for proposed major projects, except as hereinafter provided. Unless otherwise designated, 4 copies of the application and all accompanying exhibits shall be submitted. Exhibits shall be certified in accordance with Forms 4 (e)-2 and 4 (e)-3.<sup>6</sup>

**Exhibits J, K, and L.**—If the application covers project works in addition to those already constructed in addition to the requirements of Rule 4 (e)-1, the maps and plans shall distinguish clearly in some appropriate manner the project works or parts thereof which have been constructed from those to be constructed.

**Exhibit N.**—This exhibit shall be a statement of actual or approximate original cost of the constructed project in such detail as may be readily available and, if the application covers project works in addition to those already constructed, an estimate of the cost of such additional works. The statement of estimated cost of new construction should be segregated by principal features, showing quantities, etc., in sufficient detail for a full understanding of the elements of the cost thereof. Both statements shall include lands, flowage and other rights, intangible, indirect, overhead and contingent costs. The statement of cost of projects already constructed is for the information of the Commission and is not to be confused with the detailed inventory and statement of cost, depreciation, etc., to be filed later. (See Rules 4 (b)-2 and 23 (a).)

**Exhibit O.**—Detailed statement of the time desired for beginning and completing additional construction, if any. If the additional construction is to be completed and put in operation in two or more parts, the time desired for beginning and completing the construction of each part shall be given.

SEC. 2. The following additional exhibits shall be furnished:

**Exhibit P.**—A statement of the nature and character of the permit, right-of-way, or other authority, if any (see Sec. 23 of the Act), claimed to be held by the applicant. This statement shall be accompanied by copies of or appropriate references to the legislative authority, if any, by or under which such permit, right-of-way, or authority was acquired, and if granted by an instrument in writing, certified copy of such instrument, or in lieu thereof, if such a copy is of record in any department of the United States Government at Washington, a statement to that effect and reference thereto.

**Exhibit Q.**—A statement setting forth a brief history of the project works already constructed, giving time of commencement and of completion of construction of the several parts thereof, date of commencement of operation, and method of financing.

#### RULE 4 (e)-3. APPLICATION FOR LICENSE FOR MINOR PROJECT.

SEC. 1. Each application for license for a complete project of 100 horsepower installed capacity or less, or for a part thereof, whether to be constructed or already constructed, shall be verified, shall conform to Form 4 (e)-1,<sup>7</sup> and set forth in appropriate detail the information prescribed by Rule 4 (e)-1, for application for licenses for proposed major projects, but accompanied by the following abridged list of exhibits. Unless otherwise designated, 4 copies of the application and all accompanying documents shall be submitted. Exhibits shall be certified in accordance with Forms 4 (e)-2 and 4 (e)-3.<sup>7</sup>

**Exhibits A, B, and C.**—As prescribed by Rule 4 (e)-1.

**Exhibit F.**—Map of the project area drawn to any convenient scale and showing:

(1) The project area and the project boundary.

(a) Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe-lines, transmission lines, roads, and other so-called continuous structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks and reference lines therefrom to permanent objects, in accordance with good practice in land surveying.

(b) If the project boundary is located on lands covered by the public-land survey, there shall be shown a reference line from the initial point of the project boundary survey by bearings and distances to an established corner, if one can be identified within a distance of 2 miles. At each intersection of the project boundary with an identified line of the public-land survey, there shall be shown the station number of such intersection on the project boundary and the bearing and distance to the nearest identified corner in each direction on the public land survey line crossed, if such distance does not exceed 1 mile.

(c) Such portions of the project area as will be used only for continuous structures, such as transmission lines, telephone lines, canals, roads, etc., may be described by center or offset lines of survey, specifying distances of the project boundary therefrom. Such lines of survey shall be referred to the public land survey and permanent objects in a manner similar to that prescribed for the project boundary.

(d) There shall be shown the status as to ownership and the boundary lines and area of each parcel of land within the project area, designating separately lands owned by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands full title to which remains in the United States, and

<sup>6</sup> See Footnote 3.

<sup>7</sup> See Footnote 3.



lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only as easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right.

(2) The location and general plan of all project works, such as dams, reservoirs, canals, flumes, pipe-lines, powerhouses, transmission lines, telephone lines, roads, trails, etc., indicate the flow line fixed by maximum water level and the area and storage capacity of each reservoir. If the application covers project works in addition to those already constructed, show in an appropriate manner which project works or parts thereof have already been constructed. (One tracing and 4 blue prints. See Specifications for Drawings).

*Exhibit G.*—General description of mechanical, electrical, and transmission equipment, and other appurtenances in sufficient detail to enable the Commission to have a full understanding of the project.

*Exhibit H.*—Statement of the cost of constructed works and of the estimated cost of works to be constructed, showing quantities, unit costs, etc., in sufficient detail for a full understanding of the elements of cost of the project.

*Exhibit I.*—To be filed for constructed projects only). Statement of the nature and character of the permit, right-of-way, or other authority, if any (see Sec. 23 of the Act), claimed to be held by the applicant.

#### RULE 4 (e)-4. APPLICATION FOR LICENSE FOR TRANSMISSION LINE ONLY.

SEC. 1. Each application for license for transmission line only shall be verified, shall conform to Form 4 (e)-4,<sup>8</sup> and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise designated, 4 copies of the application and all accompanying documents shall be submitted.

A. The exact name of the applicant.

B. If the applicant is a corporation, the State or Territory under the laws of which the applicant was organized, and if authorized to operate in more than one State, all pertinent facts should be stated.

C. A concise general description of the transmission line or lines.

D. The location of the project, designating the State and county, and the lands of the United States and reservations which will be affected.

E. The proposed use or market for the power to be transmitted.

F. The name, title, and post office address of the person to whom correspondence in regard to the application shall be addressed.

SEC. 2. There shall be filed with the application and as a part thereof the following exhibits, certified in conformity with Forms 4 (e)-2 and 4 (e)-3<sup>9</sup>:

*Exhibits A, B, C, and D* as prescribed by Rule 4 (e)-1 for applications for licenses for proposed major projects.

*Exhibits J and K.*—Maps conforming to the requirements of Rule 4 (e)-1 for applications for proposed major projects, insofar as said requirements are applicable to transmission lines. If the application covers only part of a transmission system, Exhibit J shall show the connection to the nearest substations or main transmission lines through which the project line obtains and delivers its energy and either the general map or a small key map shall show the relation of the project to the main transmission system of the applicant in that region and to any previously licensed portions of said system. In Exhibit K it is necessary to furnish detailed information for only those parts of the line or lines which cross lands of the United States, it being understood that the Commission reserves the right to call for similar information with respect to other lands if deemed essential. For short lines Exhibits J and K may be combined in one map.

*Exhibit M.*—General description and specifications of the transmission line and appurtenances in sufficient detail for a full understanding of the project and to determine the safety and suitability of the project works.

*Exhibit N.*—Estimate of cost of the project.

*Exhibit O.*—Statement of time desired for beginning and completing construction of the project.

*Exhibit P.*—(Projects already constructed.) A statement of the nature and character of the permit, right-of-way, or other authority, if any (see Sec. 23 of the Act), claimed to be held by the applicant. This statement shall be accompanied by copies of or appropriate references to the legislative authority, if any, by or under which such permit, right-of-way, or authority was acquired, and if granted by an instrument in writing, certified copy of such instrument, or in lieu thereof, if such a copy is of record in any department of the United States Government at Washington, a statement to that effect and reference thereto.

*Exhibit Q.*—(Projects already constructed.) A statement setting forth a brief history of the project works already constructed, giving time of commencement and of completion of construction of the several parts thereof and date of commencement of operation.

#### RULE 4 (f). APPLICATION FOR PRELIMINARY PERMIT AND AMENDMENTS THEREOF.

SEC. 1. *Who may file.*—Any citizen, association of citizens, corporation, State or municipality desirous of obtaining a license pursuant to the Act for a project of more than 100 horsepower installed capacity may make application for the issuance of a preliminary permit for the purpose of enabling applicant to secure the data and perform the acts required by law for filing an application for the issuance of a license.

SEC. 2. *Manner of filing.*—Applications for license shall conform to the requirements of this rule and Rule 309-8. When an application which is complete and in satisfactory form is received, it will be given a filing number, receipt thereof will be acknowledged to the applicant, and notices will be given in accordance with the requirements of Section 4 of the Act. Notice will also be given to the General Land Office as to the public lands affected, if any, so that withdrawals from entry may be recorded. When an application is received which is not complete in all respects, but which contains all information essential for the issuance of public notice and other initial action, it may be accepted for filing but the applicant will be required to furnish the missing data prior to further consideration. Failure to furnish such data within a reasonable time will constitute grounds for rejection of the application.

SEC. 3. *Contents of application.*—Each application for preliminary permit shall be submitted on Form 4 (f)<sup>10</sup> and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise designated, 4 copies of the application and all accompanying documents shall be submitted.

A. The exact name and address of the applicant. (If the applicant desires that correspondence concerning the application be directed to any person other than the one who signs the application, the Commission should be notified of that fact and of the name and address of such other person.)

B. If the applicant is a corporation, the State or Territory under the laws of which the applicant was organized, and if authorized to operate in more than one State, all pertinent facts should be stated.

C. The measure of control or ownership, if any, exercised by or over applicant in any other organization.

D. The name of each State in which the applicant operates or proposes to operate electric power plants or facilities.

E. The location of the project, the region of its location designated by adjacent cities and towns, the name of the stream on which the proposed project will be located, and a statement of the extent to which commerce is carried thereon.

F. The lands of the United States which will be affected by the proposed project.

<sup>8</sup> See Footnote 3.

<sup>9</sup> See Footnote 3.

<sup>10</sup> See Footnote 3.



G. A concise general description of the project and the proposed scheme of development, including an estimate of the power available for 90 percent of the time and the proposed installed capacity expressed in horsepower.

H. The proposed use or market for the power to be developed, indicating whether applicant is a public utility or will become a public utility, and if so whether it is or will be subject to regulation by State agency. In case the applicant can give no positive assurance that there is or will be a demand for the power upon completion of construction of the project, and that it will be used or distributed by the applicant or sold to others for use or distribution, a full and complete statement and explanation shall be made of the applicant's expectations in this regard and of the basis therefor.

I. The location and capacity of all power plants owned or operated by the applicant; the market supplied thereby and the relation thereof to the project applied for, and a brief description of such other plants.

J. Such further data as the applicant may consider pertinent.

K. (Required exhibits.) There shall be filed with the application and as a part thereof the following exhibits, certified in conformity with Forms 4 (e)-1 and 4 (e)-2:<sup>11</sup>

*Exhibit A.*—If the applicant is a corporation: One copy of charter or certificate, and articles of incorporation, with all the amendments thereto, duly certified by the Secretary of State of the State where organized, or other proper authority and 3 uncertified copies; one copy of the by-laws, duly certified and three uncertified copies; and a list of officers and directors. If the project is located in another State than that in which the corporation is organized, a certificate and 3 copies thereof shall be submitted from the Secretary of State or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality: One copy of its charter or other organization papers, duly certified by the Secretary of State of the State in which it is located, or other proper authority, and 3 uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by each applicant that he is a citizen of the United States and 3 copies thereof. (See Form 4 (e)-1.<sup>12</sup>)

If the applicant is an association: The association shall submit a verified copy of its articles of association, and 3 additional copies thereof. If there are no articles of association, that fact shall be stated over the signature of each member of the association and an original and 3 copies shall be submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, together with 3 copies. (See Form 4 (e)-1.<sup>13</sup>)

*Exhibit B.*—A copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant authorizing the filing of application, one copy properly attested, and three additional copies.

*Exhibit C.*—Statement of nature and amount of data available, such as, surveys, maps, plans, stream measurements, foundation explorations, etc., and of work already performed, including preliminary construction activities, such as clearing, road building, etc.

*Exhibit D.*—Statement of nature and amount and estimated cost of work proposed to be performed under the preliminary permit, such as, surveying, preparation of maps, plans, measurement of streams, exploration of foundations, or preliminary construction.

*Exhibit E.*—Statement of nature, extent, and ownership of water rights which applicant contemplates using in the development of the project; also statement of applicant's plans with reference to perfecting water rights.

*Exhibit F.*—Statement of ownership of lands which applicant contemplates using in the development of the project, also statement of applicant's plans with reference to acquiring lands or rights of occupancy and use thereof.

*Exhibit G.*—Statement containing such data as the applicant desires to supply as to his ability to finance the preliminary work as well as the project applied for.

*Exhibit H.*—A general map showing the nature of the proposed project, its principal features and their location, and the location of the project as a whole with reference to some well-known town or stream. On this map shall be placed a line indicating the approximate project boundary of the area to be occupied by the principal project works, such as, dams, reservoirs, forebays, waterways, and powerhouses, but excluding transmission lines, and if necessary in order to determine location of the project on the ground, there shall be shown on the map the approximate distances and bearings of points on the project boundary from natural objects or permanent monuments that can be readily found or recognized from descriptions thereof noted on the map, such points to be located at sufficiently frequent intervals to serve such purposes. If the project is on land covered by public land survey, such distances and bearings shall be shown from the nearest existing corners of such survey. (One tracing and 4 blue prints. See Specifications for Drawings.)

*Exhibit I.*—This exhibit shall be submitted only if public lands or reservations are affected and shall be a map of the proposed project showing principal project works in a manner similar to the preceding Exhibit H, except that such map shall show and shall be on a scale to present effectively the project boundary which shall be the line enclosing all quarter-quarter sections, lots and other smallest legal subdivisions of public land survey which are to be occupied or used in whole or in part by the project. It shall also show the status of lands, indicating separately lands patented, lands entered or otherwise embraced in any unperfected claim under the public land laws, unreserved public lands, and lands of each and every reservation affected. (One tracing and 4 blue prints. See Specifications for Drawings. If desired a single map may be submitted for Exhibits H and I, provided it shows all the information required for both.)

SEC. 4. *Hearings on applications.*—Hearings upon applications may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, and such proceeding shall be in accordance with the provisions of Rule 309-15.

SEC. 5. *Amendments.*—Applications for amendments of preliminary permits shall follow the form prescribed for original applications, as far as applicable. If an application for an amendment embraces sites or areas not covered by the original permit, notice of such application will be given in the manner required for the original application.

SEC. 6. *Issuance.*—When the issuance of a preliminary permit or amendment thereof shall have been authorized by the Commission, a draft thereof in triplicate will be submitted to the applicant for acceptance; and upon acceptance, such permit or amendment will be issued by the Commission, and service will be made upon all parties in interest in accordance with Rule 309-9.

SEC. 7. *Construction work under permit.*—Upon a satisfactory showing of reasons therefor, the Commission may authorize permittees to perform such construction work as may be necessary to maintain water rights under State law, or as may be desirable in preparation for the construction of project works; but the granting of such authority shall not be deemed to have created any equities or to have established any rights beyond what would have been created or established had such authority not been given.

#### RULE 6. SURRENDER OR TERMINATION OF LICENSE.

SEC. 1. *Application for surrender.*—Every application for surrender of a license shall state the reason therefor, shall be executed by the licensee with the same formality as the application for license, (See Rules 4 (e), 4 (e)-1, 4 (e)-2, 4 (e)-3, and 4 (e)-4) and shall be accompanied by the license and all amendments thereof.

<sup>11</sup> See Footnote 3.

<sup>12</sup> See Footnote 3.

<sup>13</sup> See Footnote 3.



**SEC. 2. Surrender of license.**—Licenses may be surrendered only upon the fulfillment by the licensee of such obligations under the license, as the Commission may prescribe, and, if the project works authorized under the license have been constructed in whole or in part, upon such conditions with respect to the disposition of such works as may be determined by the Commission.

**SEC. 3. Termination of license.**—Licenses may be terminated by a written order of the Commission after due notice, if there is failure to commence actual construction of the project works within the time prescribed in the license, or as extended by the Commission. Upon like notice, the authority granted under a license with respect to any separable part of the project works may be terminated if there is failure to begin construction of such separable part within the time prescribed or as extended by the Commission; but no part of the project works shall be deemed separable unless so specified in the license.

**SEC. 4. Termination by implied surrender.**—If any licensee holding a license subject to the provisions of Section 10 (i) of the Act shall cause or suffer essential project property to be removed or destroyed, or become unfit for use, without replacement, or shall abandon or discontinue good faith operation of the project for a period of three years, or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission served in accordance with Rule 309-9 hereof, the Commission will deem it to be the intent of the licensee to surrender the license and after thirty days' public notice may in its discretion enter an order terminating the license.

**SEC. 5. Annual charges.**—Annual charges arising under a license surrendered or terminated shall continue until the effective date of surrender or termination fixed by the Commission.

#### RULE 8-1. APPLICATION FOR TRANSFER OF LICENSE.

**SEC. 1. Filing.**—Any licensee desiring to transfer a license or rights thereunder granted, and the person, association, corporation, State or municipality desiring to acquire the same, shall jointly or severally file an application for approval of such transfer and acquisition.

**SEC. 2. Contents of application.**—Every application for approval of such transfer and acquisition by the proposed transferee shall set forth in appropriate detail the qualifications of the transferee to hold such license and to operate the property under license, which qualifications shall be the same as those required of applicants for license.

**SEC. 3. Transfer.**—Approval by the Commission of Transfer of a license is contingent upon the transfer of title to the properties under license and the payment of annual charges to that date. The transferee shall be subject to all the conditions of the license and to all the provisions and conditions of the Act, as though such transferee were the original licensee. When the Commission shall have authorized the transfer of any license, the transferee shall file with the Commission, within thirty (30) days after such transfer a certified copy of the deed of conveyance or other instrument evidencing transfer of the property under license, together with evidence of the recording thereof, and within the same period annual charges to the date of transfer shall be paid, whereupon the instrument approving the transfer of license will issue.

#### RULE 8-2. APPLICATION FOR LEASE OF PROJECT PROPERTY.

**SEC. 1. Filing.**—Any licensee desiring to lease the project property covered by a license or any part thereof, whereby the lessee is granted the exclusive occupancy, possession, or use of project works for purposes of generating, transmitting, or distributing power, and the person, association, or corporation, State or municipality desiring to acquire such project property by lease, shall file a copy of such proposed lease together with an application for approval thereof. Such application and action thereon by the Commission will, in general, be subject to the provisions of Rule 8-1.

#### RULE 10 (b). APPLICATION FOR AMENDMENT OF LICENSE.

**SEC. 1. Amendment of license.**—Where a licensee desires to make a change in the physical features of the project or

its boundary, and/or make an addition or betterment and/or an abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. If, after consideration of an application for amendment of the license, the Commission is of the opinion that the contemplated changes are of such character as to constitute a substantial alteration of the license, public notice of such application shall be given by an advertisement made at least thirty (30) days prior to action upon the application. Four copies of applications for amendment of license shall be submitted in accordance with Form 10 (b)<sup>14</sup> and verified.

**SEC. 2. Amendment of plans.**—Application for amendment of plans for a project under license shall be filed with the Commission, fully describing the changes licensee proposes to make (see Note to Form 10 (b)<sup>14</sup>).

**SEC. 3. Extension of time.**—Application for extension of time fixed in the license for commencement or completion of construction of project works shall be filed with the Commission not less than six (6) months prior to the date or dates so fixed.

#### RULE 10 (c). ANNUAL CHARGES.

**SEC. 1. Cost of administration.**—A. In determining the amount of reasonable annual charges to be assessed against individual licensees for reimbursing the United States for the cost of administration of Part I of the Federal Power Act, the Commission will consider two factors:

(1) The horsepower capacity authorized to be installed by the license; and

(2) The amount of energy generated by each project during the preceding fiscal year ended June 30.

To enable the Commission to determine such charges annually, each licensee shall file with the Commission on or before September 1 of each year a statement under oath showing, in kilowatt hours, the amount of energy generated during the preceding fiscal year, or the equivalent if produced by non-electrical equipment.

B. Where licenses cover storage projects without installed capacity but which benefit a down-stream plant or plants by reason of headwater storage, the Commission will fix reasonable annual charges in each case based upon the benefit to such plant or plants by reason of such headwater storage.

**SEC. 2. Use of Government lands, etc.**—Reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands and other property, will be based upon the commercial value of the lands and other property for the most profitable use for which suited. The minimum annual charge for the use of lands of the United States for transmission lines only shall be at the rate of \$5.00 per mile per annum, 100 feet or less in width, with proportional increase for additional width. The minimum annual charge under any license will be \$5.00.

**SEC. 3. Government dams.**—Reasonable annual charges for recompensing the United States for the use of Government dams or other structures owned by the United States, and for the use, occupancy and enjoyment of the lands of the United States adjoining or pertaining thereto, will be based upon the estimated value for power purposes of the properties and privileges for which a license is issued.

**SEC. 4. Exemption of minor projects, etc.**—No exemption will be made from payment of annual charges for the use of Government dams or tribal lands within Indian reservations but licenses may be issued without other charge for the development, transmission, or distribution of power for domestic, mining, or other beneficial use in minor projects, or for minor parts of complete projects.

**SEC. 5. Exemption of States and municipalities.**—A. No State or municipal licensee shall be entitled to exemption from payment of annual charges on the ground that the power generated by the licensed project is sold to the public without profit, unless such licensee shall show:

(1) That it maintains an accounting system which segregates the operations of the licensed project and re-

<sup>14</sup> See Footnote 3.



flects with reasonable accuracy the cost of power generated by such project;

(2) That the revenues from the sale of power from such licensed project do not exceed the total amount of the following items:

(a) Project operating expenses, including operation, maintenance, depreciation, amortization, taxes, uncollectible revenues and rents;

(b) Payments of interest on indebtedness, including indebtedness to municipality or other department thereof, incurred by reason of the construction or operation of the licensed project.

B. When the power from the licensed project enters into the electric power system of the State or municipal licensee, in lieu of meeting the requirements set forth in paragraph A of this section, such licensee may furnish the same information with respect to the properties as a whole within said electric power system and the power produced therein and sold from such system.

C. A State or municipal licensee meeting the requirements of paragraph A of this section shall be entitled to exemption from payment of annual charges to the extent that power generated by the licensed project is sold for resale to or interchanged with a corporation not operated for profit.

D. Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph A of this section, it shall be subject to the payment of annual charges to the extent that electric power generated by the licensed project is sold for resale to a corporation operated for profit.

E. Notwithstanding compliance by a State or municipal licensee with the requirements of paragraph A of this section, it shall be subject to the payment of annual charges to the extent that electric power generated by the licensed project is supplied under an interchange agreement to a person or to a corporation organized for profit, and is not offset by a similar amount of electric power received under such interchange agreement.

SEC. 6. *Effective date.*—All annual charges shall commence upon the date or dates fixed in the license.

SEC. 7. *Adjustment of annual charges.*—All annual charges fixed by the Commission shall continue in effect until changed as authorized by law, either upon application of licensee or upon motion of the Commission.

#### RULE 23 (a). DETERMINATION OF FAIR VALUE.

SEC. 1. *Inventory and cost statement.*—In every case arising under Section 23 of the Act requiring the determination of fair value of a project already constructed, the licensee shall, within six (6) months after the date of issuance of license, file with the Commission an inventory and appraisal in detail, as of the effective date of the license, of all property subject thereto and to be valued. Such inventory shall also show or shall be accompanied by a statement showing the actual legitimate, or if not known, the estimated original cost of the property, by items or units; an estimate of the accrued depreciation segregated as to each separate major item or unit of property; and such other detail as the Commission may require in any particular case. Such inventory and statement of cost and depreciation shall be submitted on forms to be supplied or approved by the Commission prior to such submission.

SEC. 2. *Reports.*—Representatives of the Commission will check the inventory and make an appraisal of the property and an audit of the books, records and accounts of the licensee relating to the property to be valued, and will prepare engineering and accounting reports of their findings with respect to the inventory, appraisal, original cost, accrued depreciation and fair value of the property.

SEC. 3. *Service of reports.*—A copy of such reports will be served by registered mail upon said licensee, and copies will also be sent to the State Public Service Commission, or if the State has no regulatory agency, to the Governor of the State where such project is located, and to such other parties as the Commission shall prescribe. The report will be made public at the time of service upon the licensee.

SEC. 4. *Time for filing protest.*—Thirty (30) days after service thereof will be allowed to the licensee within which to file a protest to such report (see Rule 309-6).

SEC. 5. *Hearing upon reports.*—After the expiration of the time within which a protest may be filed, a public hearing will be ordered in accordance with Rule 309-15. The Commission after the conclusion of the hearing will make a finding of fair value, accompanied by an order which will be served upon the licensee and all parties to the proceeding. A duplicate of the statement prepared and filed by licensee in conformity with such finding and order will be deposited with the Secretary of the Treasury.

#### RULE 23 (b). DECLARATION OF INTENTION.

SEC. 1. *Filing.*—Each declaration of intention under the provisions of Section 23 (b) of the Act shall be filed in triplicate in conformity with Rule 309-8 and shall be accompanied by:

A. A brief description of the proposed project and its purposes, including such data as height of dams, storage capacity of reservoirs, installed capacity of the project, and probable effect on present or prospective navigation;

B. A sketch map (1 tracing and 2 blue prints), of any convenient size and scale, showing the stream or streams to be utilized and the approximate location of the project.

#### RULE 24. APPLICATION FOR VACATION OF WITHDRAWAL AND RESTORATION TO ENTRY.

SEC. 1. *Contents of application.*—An application for vacation of a reservation effected by the filing of an application for preliminary permit or license, or for a determination permitting restoration to entry under the provisions of Section 24 of the Act, of such lands, or lands reserved or classified as power sites, may be filed directly with the Commission at its offices in Washington, D. C., at any of its regional or field representatives' offices, or at local land offices, for forwarding to the Commission. No form is prescribed for such application, but the lands shall be described by legal subdivisions, and the applicant shall present a showing relative to the propriety of restoring such lands.

SEC. 2. *Hearings.*—A hearing upon such an application may be ordered by the Commission in its discretion and shall be in accordance with the provisions of Rule 309-15.

#### RULE 202 (b). APPLICATION FOR AN ORDER DIRECTING THE ESTABLISHMENT OF PHYSICAL CONNECTION OF FACILITIES.

SEC. 1. *Contents of application.*—Every application under Section 202 (b) shall set forth the following information:

A. The exact legal name of the applicant and of all persons named as parties in the application.

B. The name, title and post office address of the persons to whom correspondence in regard to the application shall be addressed.

C. The person named in the application who is a public utility subject to the Act.

D. The State or States in which each electric utility named in the application operates, together with a brief description of the business of and territory served by such utility.

E. Description of the proposed interconnection, showing proposed location, capacity, and type of construction.

F. Reasons why the proposed connection of facilities will be in the public interest.

G. What steps, if any, have been taken to secure voluntary interconnection under the provisions of Section 202 (a).

SEC. 2. *Required exhibits.*—There shall be filed with the application and as a part thereof the following exhibits:

*Exhibit A.*—Statement of the estimated capital cost of all facilities required to establish the connection, and the estimated annual cost of operating such facilities.

*Exhibit B.*—A general or key map on a scale not greater than 20 miles to the inch, showing, in separate colors, the territory served by each utility, and the location of the facilities used for the generation and transmission of electric energy, indicating on said map the points between which connection may be established most economically.



SEC. 3. *Other information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 4. *Form and style; number of copies.*—An application under this rule must conform to the requirements of Rules 309-8 and 309-9, except that four copies of the application and exhibits or other papers filed are required.

**RULE 202 (d). APPLICATION FOR EMERGENCY CONNECTIONS OF FACILITIES.**

SEC. 1. *Definition of emergency.*—"Emergency", as used in Section 202 (d) of the Federal Power Act, is defined to mean the failure of facilities for the generation or transmission of electric energy caused by breakdown, weather conditions, acts of God, or other unforeseen occurrences, not reasonably within the power of the utility affected to prevent, resulting in the cutting off or curtailment of the electric service, or rendering such utility unable to provide adequate service for its customers.

SEC. 2. *Reports of temporary connections.*—When, due to an emergency as defined in this rule, any temporary connection of transmission facilities is made, all persons whose transmission facilities are thus temporarily interconnected shall give written notice thereof to the Commission within fifteen (15) days from the date when such temporary connection was made, and state in said notice the reason for such temporary connection, and the location and character of each interconnection. Likewise, a written notice shall be given by such parties to the Commission of the fact and date of discontinuance of such temporary connection within fifteen (15) days after such discontinuance. In cases where temporary connections are continued for more than ten (10) days, or temporary reconnections are made, reports shall thereafter be made to the Commission at the end of each week as to:

A. The location and character of each interconnection being maintained.

B. The amount of electrical energy received and transmitted over each interconnection during each day of the week, and the consideration received or paid therefor.

C. What steps have been taken or are being taken to relieve the conditions that made the emergency connection necessary.

Every such temporary emergency connection shall be discontinued and all such temporary construction removed or otherwise disposed of, upon the termination of the emergency, unless application is made as hereinafter provided for permanent connection for emergency use.

SEC. 3. *Application for permanent connection for emergency use.*—Application for Commission approval of a permanent connection for emergency use only shall conform with the requirements of Rule 202 (b), and, in addition, shall state in full the reasons why such permanent connection for emergency use is necessary in the public interest.

SEC. 4. *Reports of emergency use of permanent connections.*—Where the Commission has authorized permanent connection for emergency use only, weekly reports shall be made to the Commission of any emergency use of such facilities showing:

A. The location of each interconnection in service.

B. The date such use commenced and ended.

C. Full facts and details making the use of the interconnection necessary.

D. The amount of electrical energy received and transmitted over each interconnection during each day of the week, and the consideration received or paid therefor.

E. What steps have been taken or are being taken to relieve the condition that made the emergency use of the connection necessary.

SEC. 5. *Form and style; number of copies.*—Applications under this rule shall conform to the requirements of Rules 309-8 and 309-9.

**RULE 202(e). APPLICATION FOR AUTHORIZATION TO TRANSMIT ELECTRIC ENERGY TO A FOREIGN COUNTRY—AUTHORIZATION.**

SEC. 1. *Who shall apply.*—The owner of a source of supply of electric energy who proposes to transmit any portion of

such energy from the United States to a foreign country or who has entered or proposes to enter into a contract for the sale of electric energy to be so transmitted, and the transmitter thereof, are necessary parties to an application for the authorization sought under this rule.

SEC. 2. *Time of filing.*—Each application shall be made at least 30 days in advance of the proposed transmission, except where otherwise ordered by the Commission for good cause shown, and the original application shall be signed and verified under oath by an executive officer or officers of the applicant or applicants having knowledge of the matters therein set forth.

SEC. 3. *Contents of application.*—Every application shall set forth in the order indicated the following:

A. The exact legal name of the applicant.

B. The name, title, and post office address of the officers of the applicant to whom correspondence in regard to the applicant shall be addressed.

C. The State or Territory under the laws of which the applicant was organized. If incorporated under the laws of, or authorized to operate in more than one State, all pertinent facts should be included.

D. The name of the purchaser of the energy, its proposed use in the foreign country, and the rates proposed to be charged to the foreign purchaser together with rates charged by the applicant for similar service if rendered in the United States.

E. A statement of the source, amount and nature of the energy to be so transmitted, the point of delivery, voltage, phase and frequency, and the facilities to be used both in the generation and transmission of such energy.

F. The amount of electric energy transmitted into the United States from a foreign country by the applicant, its source and nature, how and where it is used, and the rates paid for such energy.

G. Statement of the reasons why the proposed transmission would not impair the sufficiency of electric supply within the United States and would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Commission.

SEC. 4. *Required exhibits.*—There shall be filed with the application and as a part thereof the following exhibits:

*Exhibit A.*—Copy of agreement under which the energy is to be transmitted and all other written instruments pertaining thereto. If such agreement is not in writing, the basic terms thereof should be reduced to writing and approved by the parties thereto. (Every agreement entered into in the future shall contain a provision that in case of war or other emergency, as provided in Section 202, the same is terminable upon the order of the Commission.)

*Exhibit B.*—A showing, including signed opinion of counsel, that such transmission of energy is within the corporate powers of the applicant, and that the applicant has complied with State laws.

*Exhibit C.*—A general or key map on a scale not greater than 20 miles to the inch, showing the location of the facilities used for the generation and transmission of electric energy to be transmitted. Whenever possible, this map should not be over 30 inches in its largest dimension.

*Exhibit D.*—Where an applicant resides or has its principal office without the United States, such applicant shall designate by irrevocable power of attorney, an agent residing within the United States upon whom service of notice and process with respect to transmission of electric energy may be had; copies of such power of attorney shall be furnished, one of which shall be verified.

SEC. 5. *Other information; exceptions.*—Where the application is for authority to export less than one million kilowatt hours annually, applicants need not furnish the information called for in Sec. 2E and Exhibit C. The applicant shall be prepared within two weeks to furnish such additional information as the Commission may deem pertinent.

SEC. 6. *Transferability.*—Authorizations granted pursuant to Section 202 (e) shall not be transferable or assignable except with the prior approval of the Commission upon application made in conformity with these rules of the Com-



mission; provided, that any person acquiring by involuntary transfer (including receivers, trustees, or purchasers under foreclosure or judicial sale) the facilities of a person who has made an application upon which authorization has been granted, may continue such transmission subject to the terms and conditions of such authorization, if notice of such transfer is promptly given to the Commission in writing accompanied by a statement that the physical facts relating to sufficiency of supply, rates and nature of use are substantially the same as required in the initial application for such authorization.

SEC. 7. *Authorization not exclusive.*—No authorization granted pursuant to Section 202 (e) shall be deemed to prevent authorization being granted to any other person to transmit electric energy for the same use, or to prevent any other person from making application for such authorization.

SEC. 8. *Form and style; number of copies.*—Applications under this rule shall comply with Rules 309-8 and 309-9.

SEC. 9. *Annual reports.*—On or before February 1, of each year following any authorization granted under this rule, the person so authorized shall report to the Commission the amount of energy transmitted under such authorization during each month of the preceding calendar year and the consideration received therefor.

**RULE 203. APPLICATION FOR APPROVAL OF THE SALE, LEASE, OR OTHER DISPOSITION OF FACILITIES, OR FOR THE MERGER OR CONSOLIDATION OF FACILITIES, OR FOR THE PURCHASE OR ACQUISITION OF SECURITIES OF A PUBLIC UTILITY—APPROVAL.**

SEC. 1. *Applicability.*—The requirements of this rule will apply to public utilities seeking authority under Section 203 of the Federal Power Act.

SEC. 2. *Contents of application.*—Each such applicant shall set forth in its application to the Commission, in the manner and form and in the order indicated, the following information which should, insofar as possible, be furnished as to said applicant and each company whose facilities or securities are involved:

A. The exact name and the address of the principal business office.

B. The State or other sovereign power under which incorporated, the respective dates of incorporation, and the States in which domesticated.

C. Name and address of each person authorized to receive notices and communications in respect to application.

D. The names, titles and addresses of the principal officers.

E. A description of the general character of the business done and to be done, together with a designation of the territories served.

F. A general statement briefly describing the facilities owned or operated for transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce.

G. A brief reference to any license from the Federal Power Commission.

H. A statement as of the date of the balance sheet submitted with application showing for each class and series of capital stock:

- (1) Brief description.
- (2) The amount authorized. (Face value and numbers of shares.)
- (3) The amount outstanding (exclusive of any amount held in the treasury).
- (4) Amount held as reacquired securities.
- (5) Amount pledged.
- (6) Amount owned by affiliated corporations.
- (7) Amount held in any fund.

I. A statement as of the date of the balance sheet submitted with application showing for each class and series of funded debt:

- (1) Brief description.
- (2) The amount authorized.

(3) The amount outstanding (exclusive of any amount held in the treasury).

(4) Amount held as reacquired securities.

(5) Amount pledged.

(6) Amount owned by affiliated corporations.

(7) Amount in sinking and other funds.

J. Whether the application is for disposition of facilities by sale, lease or otherwise, a merger or consolidation of facilities, or for purchase or acquisition of securities of a public utility, also a description of the consideration, if any, and the method of arriving at the amount thereof.

K. A statement of facilities to be disposed of, consolidated or merged, giving a description of their present use and of their proposed use after disposition, consolidation or merger. State whether the proposed disposition of facilities or plan for consolidation or merger includes all the operating facilities of the parties to the transaction.

L. A statement of the book cost and original cost if known of the facilities involved, in the case of the sale, lease or other disposition of, or merger or consolidation of facilities. If the value of such facilities has been fixed or found by a court or commission, such value should also be shown together with the amounts of additions, retirements, adjustments, etc., from date of valuation to date of the balance sheet (see Form 204 (a)-1)<sup>15</sup> accompanying the application.

M. A statement as to the effect of the proposed transaction upon any contract for the purchase, sale or interchange of electric energy.

N. Names and addresses of counsel who have passed upon the legality of the proposed sale, lease or other disposition of facilities, or merger or consolidation of facilities, or purchase or acquisition of securities of a public utility, and names and addresses of any firms of which they, or any of them, are members.

O. A statement as to whether or not any application with respect to the transaction or any part thereof is required to be filed with any other Federal or State regulatory body.

P. The facts relied upon by applicants to show that the proposed disposition, merger or consolidation of facilities or acquisition of securities will be consistent with the public interest.

Q. A brief statement of franchises held, showing date of expiration if not perpetual.

SEC. 3. *Required exhibits.*—There shall be filed with the application as part thereof the following exhibits:

*Exhibit A.*—A copy of the charter or articles of incorporation with amendments to date.

*Exhibit B.*—A copy of the by-laws with amendments to date.

*Exhibit C.*—Copies of all resolutions of directors authorizing the proposed disposition, merger or consolidation of facilities, or acquisition of securities, in respect to which the application is made, and, if approval of stockholders has been obtained, copies of the resolutions of the stockholders should also be furnished.

*Exhibit D.*—Copies of all mortgages, trusts, deeds or indentures, securing any obligation of each party to the transaction.

*Exhibit E.*—A signed copy of opinion of counsel in respect to legality of the proposed transaction.

*Exhibit F.*—A statement of the measure of control or ownership exercised by or over each party to the transaction as to any public utility, or bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or any company supplying electric equipment to such party. Where there are any intercorporate relationships through holding companies, ownership of securities, or otherwise, the nature and extent of such relationship; also state whether any of the parties to the transaction have officers or directors in common. If not a member of any holding company system, include a statement to that effect.

<sup>15</sup> See Footnote 3.



**Exhibit G.**—Balance sheets with supporting fixed capital or plant schedules in conformity with Forms 204 (a)—1 and 204 (a)—2.<sup>16</sup>

**Exhibit H.**—A statement of all known contingent liabilities except minor items such as damage claims, and similar items involving relatively small amounts, as of the date of the petition.

**Exhibit I.**—Comparative income statements in conformity with Form 204 (a)—3.<sup>17</sup>

**Exhibit J.**—An analysis of surplus for the period covered by the income statements referred to in Exhibit I, above.

**Exhibit K.**—A copy of each application and exhibit filed with any other Federal or State regulatory body in connection with the proposed transaction, and if action has been taken thereon, a certified copy of each order relating thereto.

**Exhibit L.**—A copy of all contracts in respect to the sale, lease or other proposed disposition, merger or consolidation of facilities, or purchase of securities, as the case may be, together with copies of all other written instruments entered into or proposed to be entered into by the parties to the transaction pertaining thereto.

**Exhibit M.**—A general or key map on a scale of not more than 20 miles to the inch showing in separate colors the properties of each party to the transaction, and distinguishing such parts of them as are included in the proposed disposition, consolidation or merger. The map should also clearly indicate all interconnections and the principal cities of the area served. Whenever possible, the map should not be over 30 inches in its largest dimension.

**NOTE.**—If Exhibits A, B, and D have previously been filed with the Commission, a specific reference thereto will be accepted in lieu of a separate filing in each subsequent proceeding.

**SEC. 4. Additional information.**—The Commission may require additional information when it appears to be pertinent in a particular case.

**SEC. 5. Form and style.**—Applications under this rule shall conform to the requirements of Rule 309-8.

**SEC. 6. Number of copies.**—Applications under this rule shall conform to the requirements of Rule 309-9.

**SEC. 7. Verification.**—The original application shall be signed by a person or persons having authority with respect thereto and having knowledge of the matters therein set forth, and shall be verified under oath.

**SEC. 8. Reports.**—Upon the granting of any application under this rule by the Commission, applicants shall report to the Commission under oath within 10 days after any sale, lease or other disposition of facilities, merger or consolidation of facilities, or purchase or acquisition of securities of a public utility, the fact of such sale, lease or other disposition of facilities, merger or consolidation of facilities, or purchase or acquisition of securities, and the terms and conditions thereof.

**SEC. 9. Public notice.**—The Commission may require the applicant to give such local notice by publication as the Commission in its discretion may deem proper.

**SEC. 10. Commission action.**—Application under this rule will ordinarily require forty-five (45) days after the date of filing before final action can be taken thereon by the Commission, to allow for such preliminary study, investigation, public notice, opportunity for hearing and consideration by the Commission, as may be appropriate in the premises.

#### RULE 204 (a). APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES—AUTHORIZATION.

**SEC. 1. Applicability.**—The requirements of this rule will apply to licensees seeking authority under Sections 19 and 20 and to public utilities seeking authority under Section 204 of the Federal Power Act.

**SEC. 2. Contents of application.**—Every such applicant shall set forth in its application to the Commission, in the manner and form and in the order indicated, the following information which, in the case of the assumption of a lia-

bility, shall be furnished as to both the issuer and the person assuming liability:

A. The exact name of the applicant and address of its principal business office.

B. The State or other sovereign power under which incorporated, the date of incorporation, and the States in which domesticated.

C. Name and address of person authorized to receive notices and communications in respect to application.

D. The names, titles and addresses of the principal officers of the applicant.

E. A description of the general character of the business done and to be done, together with a designation of the territories served. A map showing the territories served is desirable.

F. A general statement briefly describing the facilities owned or operated by the applicant for transmission of electric energy in interstate commerce or the sale of electric energy at wholesale in interstate commerce.

G. A brief reference to any license held by the applicant from the Federal Power Commission.

H. A statement as of the date of the balance sheet submitted with application showing for each class and series of capital stock:

(1) Brief description.

(2) The amount authorized. (Face value and number of shares.)

(3) The amount outstanding (exclusive of any amount held in the treasury).

(4) Amount held as reacquired securities.

(5) Amount pledged by applicant.

(6) Amount owned by affiliated corporations.

(7) Amount held in any fund.

I. A statement as of the date of the balance sheet submitted with application showing for each class and series of funded debt:

(1) Brief description.

(2) The amount authorized.

(3) The amount outstanding (exclusive of any amount held in the treasury).

(4) Amount held as reacquired securities.

(5) Amount pledged by applicant.

(6) Amount owned by affiliated corporations.

(7) Amount in sinking and other funds.

J. A full description of the securities proposed to be issued or the liabilities to be assumed, showing:

(1) Kind and nature of securities or liabilities.

(2) Amount (face value and number of shares).

(3) Interest or dividend rate, if any.

(4) Date of issue and date of maturity.

(5) Voting privileges, if any.

K. The respective name and address of each known underwriter and the respective amount underwritten. State affiliation, direct or indirect, through common directors, officers or stockholders, or through ownership of securities or otherwise, existing between applicant and any underwriter.

L. A statement showing both in total amount and per unit the price to the public, underwriting commissions, and net proceeds to the applicant. Supply also the information (estimated, if necessary) required on Form 204 (a)—4.<sup>18</sup> If the securities are to be issued directly for property, then a full description of the property to be acquired, its location, its original cost (if known) and fair value by accounts, and a statement as to who determined the fair value, together with the identification of the person from whom the property is to be acquired.

M. Purposes for which the securities are to be issued. If the purpose is the construction, completion, extension, or improvement of facilities, a description of such facilities and the cost thereof in reasonable detail shall be submitted.

<sup>16</sup> See Footnote 3.

<sup>17</sup> See Footnote 3.

<sup>18</sup> See Footnote 3.



If the purpose is the reimbursement of the treasury of the applicant for expenditures against which securities have not been issued, a statement must be submitted giving a general description of such expenditures, the amounts and accounts to which charged, the associated credits, if any, and the periods during which the expenditures were made. If the purpose is the refunding of obligations, a full description of the obligations to be refunded, including the character, principal amount, discount or premium applicable thereto, date of issue and date of maturity, and all other material facts concerning such obligations must be given.

N. Name and address of counsel who have passed upon the legality of the proposed issue or assumption of liability, and names and addresses of any firms of which they, or any of them, are members.

O. A statement as to whether or not any application, registration statement, etc., with respect to the transaction or any part thereof is required to be filed with any other Federal or State regulatory body.

P. The facts relied upon by the applicant to show that the issue or assumption (a) is for some lawful object within the corporate purposes of the applicant and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the applicant of service as a public utility and which will not impair its ability to perform that service, and (b) is reasonably necessary or appropriate for such purposes.

Q. A brief statement of franchise held, showing date of expiration if not perpetual.

SEC. 3. *Required exhibits.*—There shall be filed with the application as part thereof the following exhibits:

*Exhibit A.*—A copy of the applicant's charter or articles of incorporation with amendments to date.

*Exhibit B.*—A copy of the by-laws with amendments to date.

*Exhibit C.*—Copies of all resolutions of directors authorizing the issue or assumption of liability in respect to which the application is made and, if approval of stockholders has been obtained, copies of the resolution of the stockholders should also be furnished.

*Exhibit D.*—Copies of mortgage, indenture, or other agreement under which it is proposed to issue the securities, also, a copy of any mortgage, indenture, or other agreement securing other funded obligations of the applicant.

*Exhibit E.*—A signed copy of opinion of counsel in respect to legality of the issue or assumption of liability.

*Exhibit F.*—A statement of the measure of control or ownership exercised by or over the applicant as to any public utility, or bank, trust company, banking association, or firm that is authorized by law to underwrite or participate in the marketing of securities of a public utility, or any company supplying electric equipment to such applicant. Where there are any intercorporate relationships through holding companies, ownership of securities or otherwise, the nature and extent of such relationship. If not a member of any holding company system include a statement to that effect.

*Exhibit G.*—Balance sheets with supporting fixed capital or plant schedules in conformity with Forms 204 (a)-1 and 204 (a)-2.<sup>19</sup>

*Exhibit H.*—A statement of all known contingent liabilities except minor items such as damage claims and similar items involving relatively small amounts, as of the date of the petition.

*Exhibit I.*—Comparative income statements in conformity with Form 204 (a)-2.

*Exhibit J.*—An analysis of surplus for the period covered by the income statement referred to in Exhibit I, above.

*Exhibit K.*—

(1) A copy of registration statement proper, if any, and financial exhibits made a part thereof, filed with the Securities and Exchange Commission.

(2) A copy of each application and exhibit filed with any State regulatory body in connection with the proposed

transaction and if action has been taken thereon a certified copy of each order relating thereto.

NOTE.—The information required by Exhibit K shall be filed as soon as available.

*Exhibit L.*—A copy of all contracts, underwritings and other arrangements providing for the sale or marketing of the securities. If such contracts, etc., are not in such final form as to permit filing, an identification of the parties thereto and proposed major terms thereof should be submitted.

NOTE.—If Exhibits A, B, and D have previously been filed with the Commission, a specific reference thereto will be accepted in lieu of a separate filing in each subsequent proceeding.

SEC. 4. *Additional information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 5. *Form and style.*—Applications under this rule shall conform to the requirements of Rule 309-8.

SEC. 6. *Number of copies.*—Applications under this rule shall conform to the requirements of Rule 309-9.

SEC. 7. *Verification.*—The original application shall be signed by a person having authority with respect thereto and having knowledge of the matters therein set forth, and shall be verified under oath.

SEC. 8. *Reports.*—Upon the granting of any application under this rule by the Commission, the applicant shall report to the Commission under oath within 10 days after any such issue or assumption of liability, the fact of such issue or assumption of liability, the terms and conditions thereof and any amount realized from such issue. The applicant shall further make reports within fifteen (15) days after every June 30th and every December 31st showing for the six-month period ended on the above dates the proceeds realized from the sale, and the disposition of any money to be realized, until the entire proceeds shall have been accounted for. A report in the form outlined in Form 204 (a)-4<sup>20</sup> showing the face value, the proceeds and the expenses (itemized) of the issue shall be made at the earliest practicable date.

SEC. 9. *Commission action.*—Application under this rule will ordinarily require thirty (30) days after the date of filing before final action can be taken thereon by the Commission, to allow for such preliminary study, investigation, public notice, opportunity for hearing, and consideration by the Commission, as may be appropriate in the premises.

SEC. 10. *Publicity.*—In any document, prospectus or publicity relating to the offering or sale of securities hereunder, any reference to the authorization by the Commission of the issuance of such securities shall include a qualifying statement to the effect that the Commission's authorization was subject to the provision that such authorization shall not be construed to imply any guarantee or obligation on the part of the United States in respect of such securities.

#### RULE 204 (e). CERTIFICATE OF NOTIFICATION.

SEC. 1. *Time of filing.*—The facts relating to any transaction to which Section 204 (e) of the Act is applicable shall be reported to the Commission within ten days after the date of such transaction in accordance with Form 204 (e).<sup>21</sup>

SEC. 2. *Additional information.*—The Commission may require additional information when it appears to be pertinent in a particular case.

SEC. 3. *Form and style.*—Certificates under this rule shall conform to the requirements of Rule 309-8.

SEC. 4. *Number of copies.*—Certificates under this rule shall conform to the requirements of Rule 309-9.

SEC. 5. *Verification.*—The original certificate shall be signed by a person or persons having authority with respect thereto and having knowledge of the matters therein set forth, and shall be verified under oath.

#### RULE 205. FILING OF RATE SCHEDULES AND MONTHLY REPORTS.

SEC. 1. *Definition.*—The term "rate schedule", as used herein, shall include any rate, charge, classification, or serv-

<sup>20</sup> See Footnote 3.

<sup>21</sup> See footnote 3.

<sup>19</sup> See Footnote 3.



ice, or schedule thereof, and any rule, regulation, practice, or contract relating thereto, and shall include all contracts, written or oral, for or in connection with the transmission or sale of electric energy subject to the jurisdiction of the Commission.

SEC. 2. *Oral agreements.*—If any rate schedule or supplement thereto is not in writing, the basic terms of such rate schedule or supplement thereto shall be reduced to writing, approved by the parties thereto, and filed with the Commission as prescribed in Sec. 3 of this rule.

SEC. 3. *Filing.*—A. All rate schedules and supplements thereto in effect upon the effective date of this rule, shall be posted and filed with the Commission, unless previously duly posted and filed.

B. All new rate schedules for service not theretofore rendered shall be posted and filed with the Commission on or before the effective date thereof.

C. All rate schedules and supplements thereto making a change in any rate schedule on file with the Commission, shall be posted and filed with the Commission not less than thirty (30) days prior to the effective date thereof, unless a shorter period of time is authorized by the Commission.

D. The effective date of every rate schedule or supplement thereto, shall be printed in bold type on the upper right-hand portion of the title sheet immediately following the rate schedule number (e. g.):

Rate Schedule, F. P. C. No. 10.  
Effective Date, July 10, 1936.

SEC. 4. *Changes in rates.*—A. All rate schedules and supplements thereto making a change in any rate schedule or supplement thereto on file with the Commission, shall state plainly the change, or changes, to be made in the existing rate schedule or supplement thereto then in force.

The following symbols shall be used to indicate changes in the superseding rate schedule or supplement thereto:

O—No change.  
C—Change.  
N—New provision.

The symbols shall appear in the margin opposite each paragraph in the superseding rate schedule or supplement to which they apply.

B. When a rate schedule is issued cancelling a rate schedule or schedules previously filed, the rate schedule F. P. C. number, or numbers, which have been cancelled must be shown immediately after the F. P. C. number of the new schedule, as follows (e. g.):

Rate Schedule, F. P. C. No. 2.  
Effective January 1, 1938.  
Cancels  
Rate Schedule, F. P. C. No. 1.

SEC. 5. *Identification.*—A. Rate schedules of each public utility shall be numbered consecutively, beginning with number 1, on the upper right-hand corner of the title page, e. g.,

Rate Schedule, F. P. C. No. 1.

B. The rate schedules which have been filed prior to the effective date of this rule will be numbered in the office of the Commission and a letter setting forth the Rate Schedule F. P. C. number will be mailed to each public utility.

SEC. 6. *Cancellation; notice.*—When a rate schedule or supplement thereto which is on file with the Commission is cancelled and no new rate schedule is issued to replace such rate schedule or supplement on file, the public utility so cancelling shall formally notify the Commission of such cancellation thirty (30) days prior to the effective date thereof.

SEC. 7. *Supplements.*—Supplements to rate schedules, in addition to showing the rate schedule F. P. C. number of the rate schedule amended thereby, shall be numbered consecutively beginning with number 1. Such information shall be shown in the upper right-hand corner. Supplements shall also show in the upper right-hand corner the number of any previous supplement cancelled thereby and also the num-

bers of the supplements containing all the changes made in said rate schedule which are still in effect, as follows (e. g.):

Supplement No. 4.  
Effective June 20, 1938.  
To  
Rate Schedule F. P. C. No. 25.  
Cancels  
Supplement No. 2.  
Supplements 1, 3, and 4.  
Contain all changes.

SEC. 8. *Rates established by order of the Commission.* When any rate schedule or supplement thereto is issued in compliance with an order of the Commission, such schedule or supplement shall bear in an appropriate place the additional notation, e. g.

Issued in Compliance with an Order of the Federal Power Commission

Docket No. \_\_\_\_\_  
Entered \_\_\_\_\_ day of \_\_\_\_\_

SEC. 9. *Posting.*—A. A true copy of the effective rate schedule and all supplements thereto on file with the Commission shall be posted by each public utility filing the same or filing a certificate of adoption thereof, by keeping available for public inspection in a convenient form and place, during ordinary business hours at the principal office in the territory served by it and also in its district or division offices in the territory affected by such rate schedule or supplement.

B. A true copy of each rate schedule and supplement thereto shall be posted as above, beginning on or before the date the rate schedule is filed with the Commission.

SEC. 10. *Succession.*—When the name of a public utility is changed, or its operating control is transferred to another utility in whole or in part, or a receiver or trustee is appointed for such public utility, the exact name of the public utility, receiver, or trustee which will operate the property thereafter shall be filed within thirty days thereafter with the Commission on Form 205-1.<sup>22</sup> Four copies and one for each State affected will be required.

SEC. 11. *Adoption notice.*—Whenever a public utility wishes to adopt a rate schedule or supplement thereto filed by another public utility in lieu of filing copies thereof, an adoption notice may be filed by such public utility on Form 205-2.<sup>22</sup> Four copies, and one for each State affected, will be required.

SEC. 12. *Protests.*—Protests should be filed with the Commission at least ten (10) days before the effective date of any proposed rate schedule or supplement thereto.

SEC. 13. *Number of copies.*—There shall be transmitted to the Commission for its official use four copies of each rate schedule or supplement, and one copy for each State affected by said rate schedule or supplement. All copies shall be included in one package covered by letter of transmittal listing all rate schedules included, and addressed to the Federal Power Commission, Washington, D. C.

SEC. 14. *Form and style.*—All rate schedules and supplements thereto filed under this rule must be printed, or if printed copies are not available, must be typewritten on paper 8½" wide by 11" long. Photostatic copies of contracts in lieu of written or printed copies may be filed.

SEC. 15. *Reports.*—On or before the twentieth day of each calendar month, after the effective date of this rule, each public utility shall report to the Commission, on the forms provided, the amount of electric energy transmitted, received, interchanged, or sold under each rate schedule or supplement thereto, in effect during the preceding calendar month, together with the amount paid or received for such electric energy; if no money was paid or received, the consideration realized therefor.

#### RULE 209. COOPERATIVE PROCEDURE WITH STATE COMMISSIONS.

NOTE.—Section 209 of the Federal Power Act authorizes cooperation between the Federal Power Commission and the State commissions of the several States in the administration of said Act. Subsection (a) authorizes the reference of any matter aris-

<sup>22</sup> See Footnote 3.



ing in the administration of Part II of the Act to a board to be composed of a member or members from the State or States affected or to be affected by particular matters pending before the Federal Power Commission. Subsection (b) authorizes conferences with State commissions regarding the relationship between rate structures, costs, accounts, charges, practices, classifications, and regulations of public utilities subject to the jurisdiction of such State commissions and of the Federal Power Commission, and joint hearings with State commissions in connection with any matter with respect to which the Federal Power Commission is authorized to act.

Obviously, it is impossible to determine in advance what matters should be the subject of a conference, what matters should be referred to a board, and what matters should be heard at a joint hearing of State commissions and the Federal Power Commission. It is understood, therefore, that the Federal Power Commission or any other State commission will freely suggest cooperation with respect to any proceeding or matter affecting any public utility subject to the jurisdiction of said Federal Power Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest.

To enable this to be done, whenever a proceeding shall be instituted before any commission, Federal or State, in which another commission is believed to be interested, notice should be promptly given each such interested commission by the Commission before which the proceeding has been instituted. Inasmuch, however, as failure to give notice as contemplated by the provisions of this plan will sometimes occur purely through inadvertence, any such failure should not operate to deter any commission from suggesting that any such proceeding be made the subject matter of cooperative action, if cooperation therein is deemed desirable.

**SEC. 1. Notice of institution of proceeding.**—A. Whenever there shall be instituted before the Federal Power Commission any proceeding under Part II of the Federal Power Act, the State commission or commissions of the State or States affected thereby will be notified immediately thereof by the Federal Power Commission, and each notice given a State commission will request such commission if it deems the proceeding one which should be considered under the cooperative provisions of the Act, to notify the Federal Power Commission as to the nature of its interest in said matter, and to request a conference, the creation of a board, or a joint hearing, if desired, indicating its preference and the reasons therefor.

B. Upon the receipt of such request the Federal Power Commission will consider the same, and may confer with the Commission making the request and with other interested commissions, if any, in such manner as may be most suitable and, if cooperation shall appear to be practicable and desirable, shall so advise each interested State commission.

C. Each State commission should in like manner notify the Federal Power Commission of any proceeding instituted before it, the subject matter of which is also subject to the jurisdiction of the Federal Power Commission.

**SEC. 2. Procedure governing joint conferences.**—The Federal Power Commission, in accordance with the indicated procedure, will confer with any State commission regarding any matter relating to the regulation of public utilities subject to the jurisdiction of either commission. The commission desiring a conference upon any such matter should notify the other without delay, and thereupon the Federal Power Commission will promptly arrange for a conference in which all interested State commissions will be invited to be represented.

**SEC. 3. Procedure governing matters referred to a board.**—Whenever the Federal Power Commission, either upon its own motion or upon the suggestion of a State commission or at the request of any interested party, shall determine that it is desirable to refer a matter arising in the administration of Part II of the Federal Power Act to a board to be composed of a member or members from the State or States affected or to be affected by such matter, the procedure shall be as follows:

The Federal Power Commission will send a request to each interested State commission to nominate a specified number of members to serve on such board. Whenever more than one State is involved, the representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation. When the member or members of any board have been nominated and appointed in accordance with the provisions of the Federal Power Act, the Federal Power Commission will make an order referring the particular matter to such board, and such order shall fix the time and place of hearing, define the force and effect the action of the board shall have, the manner in which its proceedings shall be conducted, and specify the allowances to be made for the expenses of the members of the board. The rules of practice and procedure, as from time to time adopted or prescribed by the Federal Power Commission, shall govern such board, as far as applicable. The board shall have authority to adjourn the hearing from day to day, subpoena witnesses, rule on the relevancy, competency and materiality of evidence, and, after hearing all interested parties, submit its recommendations to the Federal Power Commission, together with its findings of fact and conclusions of law.

**SEC. 4. Procedure governing joint hearings.**—Whenever the Federal Power Commission, either upon its own motion or at the suggestion of any interested State commission, shall determine that a joint hearing is desirable in connection with any matter pending before the Federal Power Commission in which it is authorized to act, the procedure shall be as follows:

A. The Federal Power Commission will send a request to each interested State commission to name a specified number of members or representatives to sit with said Federal Power Commission or its member or representative in the joint hearing of said matter. Where more than one State is affected, the representation of each State concerned shall be equal, unless one or more of the States affected chooses to waive such right of equal representation, except that in cases where the number of States affected makes it impracticable for each State to be represented, the commissions of such States will be requested to name a representative committee not exceeding five in number to sit with the Federal Power Commission or its member or representative in the joint hearing of said matter. Where the joint hearing is upon a matter concerning which a proceeding is pending before a State commission in which action can be taken by said State commission, a joint record will be made.

B. Joint hearings will be followed by a conference to consider the facts developed of record, so as to provide opportunity for an exchange of views before final determination of the subject matter of the proceeding. Where a satisfactory exchange of views at such time proves impracticable, the State representative or representatives shall be afforded subsequent opportunity therefor in such manner as may be convenient.

C. When joint hearings are held, the rules of practice and procedure as from time to time adopted or prescribed by the Federal Power Commission shall govern, as far as applicable. The Federal Power Commission shall have authority to set the time and place of the hearing, subpoena witnesses, rule on the relevancy, competency and materiality of evidence, and control in all other respects the conduct of such hearings.

**SEC. 5. Special procedure may be prescribed in each case.**—The foregoing sections of this rule are a general outline of procedure to be followed with respect to cooperation with State commissions under Section 209 of the Federal Power Act. In any particular case, an order may be entered setting forth the manner in which said proceeding shall be conducted.

#### RULE 301 (a). ADJUSTMENT OF ACCOUNTS AND PROFITS.

**SEC. 1. Notice of deficiencies.**—If, as the result of an examination by a representative of the Commission of the accounts of a person subject to the Act and to the Commission's accounting requirements, or of an examination of any statement or report submitted by such person, it appears that the accounts, or any books or records pertaining to or in



support thereof, are not being kept and maintained as required by the Commission, or that the statements or reports prepared and submitted are not in proper form, the failure or deficiency will be called to the attention of such person either formally or informally as the circumstances appear to warrant.

**SEC. 2. Response to notification.**—If, as the result of such formal or informal notice, the matter is not adjusted within the time fixed by said notice, or within a reasonable time in case no date is specified, or if there is a disagreement between such person and the Commission or its representative respecting the application or interpretation of the Act or requirements of the Commission with respect to the matter at issue such person will be requested to advise the Commission in writing within a time to be specified whether it consents to the disposition of the questions involved under the shortened procedure hereinafter provided.

**SEC. 3. Facts and argument.**—If the person consents to the matter being handled under such shortened procedure, the person and any other parties interested, including representatives of the Commission, shall submit to the Commission, within thirty (30) days after the receipt of notice from the Commission to do so, a memorandum of the facts and, separately stated, of the argument relied upon to sustain the position taken respecting the matter in issue together with copies in sufficient number to enable the Commission to retain three copies for its own use and make service in accordance with Rule 309-9, upon all parties designated in said notice. Twenty (20) days will be allowed in which to file a reply by any party who filed an original memorandum.

**SEC. 4. Form and style.**—All memoranda must conform to the requirements of Rule 309-8, and each copy must be complete in itself. All pertinent data should be set forth fully, and each memorandum should set out the facts and argument as prescribed for briefs in Rule 309-17.

**SEC. 5. Verification.**—The facts stated in the memorandum must be sworn to by persons having knowledge thereof, which latter fact must affirmatively appear in the affidavit. Except under unusual circumstances, such persons should be those who would appear as witnesses if hearing were had, to testify as to the facts stated in the memorandum.

**SEC. 6. Determination.**—If no formal hearing is had the matter in issue will be determined by the Commission on the basis of the facts and arguments submitted.

**SEC. 7. Assignment for oral hearing.**—In case consent to the shortened procedure is not given, or if at any stage of the proceeding prior to the submission of the case to the Commission any party in interest requests a hearing, the proceeding will be assigned for hearing as provided for by Rule 309-15. The Commission may also in its discretion set the proceeding for hearing on its own motion at any stage thereof.

**SEC. 8. Burden of proof.**—The burden of proof to justify every accounting entry shall be on the person making, authorizing, or requiring such entry.

#### RULE 305 (b). APPLICATION FOR AUTHORITY TO HOLD INTERLOCKING POSITIONS—AUTHORIZATION.

**SEC. 1. Who shall file.**—An order authorizing the holding of positions as provided by Section 305 (b) of the Federal Power Act will be granted only upon application therefor made as hereinafter provided by the person seeking to hold such positions (hereinafter referred to as "applicant").

**SEC. 2. Positions requiring authorization.**—A. The term "public utility" as used in this rule means any person who owns or operates facilities for the transmission of electric energy in interstate commerce, or any person who owns or operates facilities for the sale at wholesale of electric energy in interstate commerce.<sup>23</sup>

B. The positions subject to this rule shall include those of any person elected or appointed to perform the duties or functions or any of the duties or functions ordinarily performed by a director, president, vice-president, secretary, treasurer, comptroller, chief purchasing agent or officer, or

any other person invested with executive authority in any company within the purview of Section 305 (b).

C. An assistant to such person shall not be deemed to be an "officer" as long as his duties are under the supervision of his superior officer or if he is acting in lieu of such officer while the latter is away on a temporary absence or brief vacation. Such assistant shall, however, be deemed to be an officer if his nominal superior is so inactive that the assistant is really performing the functions of the office.

D. Regardless of any action which may have been taken by the Commission upon a previous application under Section 305 (b), an application for approval under such section is required with reference to any position or positions not previously authorized whenever such position or positions in and of themselves or together with positions covered by such previous authorization are within the scope of said section.

**SEC. 3. Time of filing application.**—A. *Anticipatory application.*—An application may be made in anticipation of election or appointment to a position or positions within the purview of Section 305 (b).

B. *Application after election or appointment.*—Section 305 (b) provides that the holding of positions within the purview of that section shall be unlawful unless the holding shall have been authorized by order of the Commission. Nothing in this rule shall be construed as authorizing the holding of positions prior to the order of the Commission on application therefor. Applications shall be filed within 30 days after election or appointment to any position within the purview of Section 305 (b).

**SEC. 4. Supplemental application.**—A. *New position.*—In the event of a change or changes in the information set forth in an application, by the applicant's election or appointment to another position or other positions in companies within the purview of Section 305 (b), the application shall be supplemented by the applicant's setting forth all the data with respect to the new position or positions in accordance with the requirements of this order.

B. *Old positions.*—After applicant has been authorized to hold a particular position, further application in connection with each successive term so long as he continues in uninterrupted tenure of such position will not be required except as ordered by the Commission. If the term of office or the holding of any position for which authorization has been given shall be interrupted and the applicant shall subsequently be reelected or reappointed thereto, further authorization will be required.

**SEC. 5. Supplemental information.**—A. *Required by Commission.*—Applicants hereunder shall upon request of the Commission and within such time as may be allowed, supplement any application or any supplemental application with any information required by the Commission.

B. *Notice of changes.*—In the event of the applicant's resignation, withdrawal, or failure of reelection or appointment in respect to any of the positions for which authorization has been granted by the Commission, or in the event of any other material or substantial change therein, the applicant shall within thirty (30) days after any such change occurs, give notice thereof to the Commission setting forth the position, company and date of termination therewith, or other material or substantial change.

C. *Reports.*—All persons holding positions by authorization of the Commission under Section 305 (b) may be required to file such periodic or special reports as the Commission may deem necessary.

**SEC. 6. Termination of authorization.**—A. *By Commission.*—Orders of authorization under Section 305 (b) are subject to revocation by the Commission after due notice to applicant and opportunity for hearing and in such proceeding the burden of proof shall be upon the applicant to show that neither public nor private interests will be adversely affected by the holding of such positions.

B. *By applicant.*—Whenever a person shall cease to hold a position theretofore authorized to be held by the Commission or such position shall cease to be within the purview of Section 305 (b) of the Federal Power Act, the Commis-

<sup>23</sup> See Sec. 201, 16 U. S. C. 824.



sion's authorization to hold such position shall terminate without further action by the Commission. If upon such termination of authorization as aforesaid, such person does not continue to hold at least two positions authorized and then requiring authorization pursuant to said Section 305 (b), all authorization theretofore given by the Commission shall thereupon terminate.

**SEC. 7. Form of application and number of copies.—A.** An original and two copies of each application and each supplement required by this rule shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original and shall be complete in itself, but the signature in the copies may be stamped or typed and the notarial seal may be omitted. The application shall conform to Rule 309-8.

**SEC. 8. Contents of application.—**Each application shall state the following:

**A. Identification of applicant.**

- (1) Full name, business address, and place of residence.
- (2) Major business or professional activity.
- (3) Any other application or applications under Section 305 (b) made by the applicant, together with date and docket number thereof, and Commission action thereon, if any.

**SEC. 4.** If application is not filed with the Commission within thirty (30) days after election or appointment, state reasons in full for the delay.

**B. Positions in public utilities for which authorization is sought.—**With respect to each public utility, the applicant shall furnish the following information, using a separate sheet for each company and numbering the companies consecutively:

- (1) Corporate name and principal address.
- (2) Indicate interstate character of the company's business.
- (3) Positions which applicant seeks authorization to hold therein, and when and by whom elected or appointed to each such position.
- (4) If an officer, nature of applicant's duties and approximate amount of time required; and, if applicant seeks authorization as director, when and where directors' meetings are held, or to be held.
- (5) Any other professional or business relationships of applicant with company.
- (6) Extent of applicant's ownership or control of securities of the company, including common stock, preferred stock, bonds or other securities.
- (7) Extent of applicant's indebtedness to company—how and when incurred, and consideration therefor.
- (8) Statement of all compensation received by applicant from company or any affiliate during past 12 months and expected during the ensuing 12 months, whether for services, reimbursement of expenses, or otherwise. Specify in detail the amount thereof and reason therefor.

**C. Positions held by applicant in companies authorized by law to underwrite or market public utility securities.—**With respect to each such company, the applicant shall furnish the following information, using a separate sheet for each company and numbering the companies consecutively:

- (1) Business style and principal address.
- (2) Positions held by applicant therein, and how long connected with company.
- (3) Nature of applicant's duties, and approximate amount of time required.
- (4) Whether company is actually engaged in underwriting or participating in the marketing of public utility securities; and, if so, to what extent.
- (5) Statement showing whether the company, during applicant's connection therewith, has underwritten or marketed in whole or in part the security issue of any public utility with which applicant was also connected; and, if so, the details with respect to every such transaction.

(6) Statement of all compensation received by applicant from company or any affiliate during past 12 months and expected during the ensuing 12 months, whether for services, reimbursement of expense, or otherwise. Specify in detail the amount thereof and reason therefor.

(7) Extent and nature of applicant's ownership or control of the securities of such company.

**D. Positions held by applicant in companies supplying electrical equipment to public utilities.—**With respect to each such company, the applicant shall furnish the following information, using a separate sheet for each company and numbering the companies consecutively:

- (1) Business style and principal address.
- (2) Positions held by applicant therein, and how long connected with company.
- (3) Nature of applicant's duties and approximate amount of time required.
- (4) Statement whether company supplies electrical equipment to any public utility with which applicant is also connected; and, if so, the name of each such public utility, the frequency of such transactions, the approximate annual dollar volume of such business, and the type of equipment supplied.
- (5) Extent and nature of applicant's ownership or control of the securities of such company.
- (6) Statement of all compensation received by applicant from company or any affiliate during past 12 months and expected during the ensuing 12 months, whether for services, reimbursement of expenses, or otherwise. Specify in detail the amount thereof and reason therefor.

**E. Other business enterprises with which applicant is connected.—**Applicant shall list all other business enterprises to which he devotes a substantial part of his working time, briefly stating the information required in parallel columns as below:

Name of business enterprise	Address	Kind of business	Position held therein

**F. Physical, financial, and corporate relationship between above companies.—**Applicant shall state briefly:

- (1) The location of and physical relationship existing between the properties and facilities of the above public utilities, and the extent to which such facilities are physically interconnected. (An appropriate map should be annexed as an exhibit, if available.)
- (2) The extent to which competition exists between and among said public utilities.
- (3) The financial and corporate relationships existing between and among all the companies listed under (B), (C), (D), and (E) above, both with respect to each other and with respect to parent holding or holding-operating companies, including the amount of the voting stock of each company and the percentage of voting power represented by securities owned by the company preceding it in the corporate structure of the system. (An appropriate chart should be annexed as an exhibit, if available.)

**G. Verification of application.—**The original application shall be signed by the individual applicant, verified under oath in accordance with Form 305 (b).<sup>24</sup>

**SPECIFICATIONS FOR DRAWINGS**

[See Rules 4 (e)–4 (f)]

All maps and other drawings required in connection with licenses and preliminary permits shall conform to the following specifications:

<sup>24</sup> See Footnote 3.



1. They shall be original black-ink drawings on tracing linen, cut to uniform size not smaller than 24 x 36 inches and not larger than 28 x 40 inches, the latter size being preferred, and shall be so drawn and lettered as to be legible when reduced by photography to 10½ inches in small dimension. Lithographed official maps issued by Federal or State agencies may be used to furnish supplemental data when desired and when so used, one copy for permanent record shall be mounted on linen.

2. Each drawing shall have a clear border of ½ inch on three sides and 2½ inches on one of the shorter sides, which shall be the left-hand border.

3. Each drawing shall have a numerical scale and a graphical scale, the latter not less than 6 inches in length.

4. Each map shall have true and magnetic meridians indicated thereon.

5. There shall be provided a space 5 inches by 7 inches in the lower right corner of each drawing, the upper half of which shall bear the title, scale, etc., and the lower half shall be left clear.

6. If the project affects lands covered by the public land survey, the maps shall show the location of all lines of such survey crossing the project area, and all official subdivisions of sections including lots and irregular tracts, correctly designated as on the latest governing official plats of survey, copies of which can be obtained from the General Land Office, Washington, D. C., or examined in the local land office. If the project affects unsurveyed public lands or reservations, the protraction of townships and section lines shall be shown; such protractions whenever available to be those recognized by the agency of the United States having jurisdiction over the lands.

7. All drawings shall be rolled, not folded, for mailing.

[F. R. Doc. 37-163; Filed, January 16, 1937; 11:46 a. m.]

#### FEDERAL TRADE COMMISSION.

##### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2932]

IN THE MATTER OF J. W. GIBSON, AN INDIVIDUAL, TRADING AND DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF J. W. GIBSON COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, January 22, 1937, at ten o'clock in the forenoon of that day (central standard time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-161; Filed, January 16, 1937; 10:23 a. m.]

##### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr.; Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2947]

IN THE MATTER OF GEORGE LANDON AND MICHAEL MASON WARNER, JR., TRADING AS LANDON AND WARNER

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, January 20, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-162; Filed, January 16, 1937; 10:23 a. m.]

##### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1937.

Commissioners: William A. Ayres, Chairman; Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 2910]

IN THE MATTER OF BERNARD M. WOLF, TRADING AS KODICON PRODUCTS COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Edward M. Averill, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, January 25, 1937, at ten o'clock in the forenoon of that day (eastern standard time), in court room No. 4, Federal Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-160; Filed, January 16, 1937; 10:23 a. m.]



## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 45]

## ALLOCATION OF FUNDS FOR LOANS

JANUARY 8, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
Tennessee 21 Franklin.....	\$214,500

MORRIS L. COOKE, *Administrator*.

[F. R. Doc. 37-165; Filed, January 18, 1937; 9:57 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of January A. D. 1937.

[File No. 43-26]

## IN THE MATTER OF NORTHERN STATES POWER COMPANY

## NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Northern States Power Company, a registered holding company, organized under the laws of Minnesota, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding (1) the issue and sale by declarant of \$75,000,000 principal amount of First and Refunding Mortgage Bonds, 3½% Series due 1967, and 275,000 shares, without par value, of Cumulative Preferred Stock, \$5 Series, for the purpose of refunding and discharging \$96,537,000 principal amount of outstanding funded debt of declarant and \$1,500,000 principal amount of General and Refunding Mortgage Gold Bonds Thirty Year 6% Series A, due January 1, 1952, of St. Paul Gas Light Company, a predecessor company of declarant, and (2) the reclassification of all of declarant's outstanding capital stock, to-wit:

391,077 shares of Seven Per Cent Cumulative Preferred Stock (par value \$100 per share)  
 391,099 shares of Six Per Cent Cumulative Preferred Stock (par value \$100 per share)  
 341,551 shares of Class A Common Stock (par value \$100 per share) and  
 729,166⅓ shares of Class B Common Stock (par value \$10 per share),

into 4,000,000 shares, without par value, of common stock of declarant, with an aggregate stated capital of \$90,000,000.

It is ordered that a hearing on such matter be held on February 2, 1937, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participa-

tion in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 28, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-170; Filed, January 18, 1937; 12:49 p. m.]

## UNITED STATES TARIFF COMMISSION.

[Docket No. 11, Section 337, Tariff Act of 1930]

## PUBLIC NOTICE

## EXTENSION OF INVESTIGATION AND OPPORTUNITY TO FILE ANSWER ON CIGAR LIGHTERS

In the Matter of the Investigation of Alleged Unfair Methods of Competition or Unfair Acts in the Importation or Sale of Cigar Lighters

The United States Tariff Commission this 16th day of January, 1937, under and by virtue of the powers granted by law and pursuant to the rules and regulations of the Commission, hereby orders that the investigation instituted on August 14, 1936,<sup>1</sup> pursuant to the provisions of Section 337 of the Tariff Act of 1930, of alleged unfair methods of competition or unfair acts in violation of said section in the importation or sale in the United States of cigar lighters made in accordance with the terms of United States Letters Patent Nos. 1986384, 2002845, and Des. 96639, or in simulation of such lighters, be, and hereby is, extended to include cigar lighter and cigarette case combinations made in accordance with the terms of United States Design Patent No. 81823, or in simulation of such combinations.

Ordered further, that importers and other persons interested be given opportunity to make written answer to the motion to amend the complaint submitted on December 31, 1936, by Art Metal Works, Inc., and file said answer in quadruplicate with the Commission on or before the opening of the hearing in this investigation set for 10 a. m. on February 2, 1937,<sup>2</sup> and show cause, if any they have, why the provisions of Section 337 of the Tariff Act of 1930 should not be applied in respect of said alleged unfair methods of competition and unfair acts in the importation or sale of said products.

By order of the United States Tariff Commission this 16th day of January, 1937.

[SEAL]

SIDNEY MORGAN, *Secretary*.

[F. R. Doc. 37-168; Filed, January 18, 1937; 11:53 a. m.]

<sup>1</sup> 1 F. R. 2157.<sup>2</sup> 1 F. R. 2524.



